SELECT SPEECHES

OF

PONNAMBALAM RAMANATHAN

DELIVERED IN THE

LEGISLATIVE COUNCIL
OF CEYLON

VOL. I.

1879 TO 1894

WITH EDITOR'S NOTE,
CONTENTS AND INDEX.

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EDITOR'S NOTE.

I had heard and read so much of the Hon'ble Mr. (afterwards Sir) Ponnambalam Ramanathan, when I was doing literary work in Calcutta, that I felt greatly drawn to him for the sake of self-improvement. He was pleased to appoint me as one of his Secretaries. His library contained a vast array of books relating to every field of knowledge. Among them were many cases of books on Ceylon and the Legislative Council Debates. His speeches were most interesting. For my own benefit I studied them and their structure in respect to the matter set forth, the words used for that purpose, and the arguments urged. They appeared to be models of lucid statement, worthy of presentation to students preparing for Political Life in Ceylon and India.

Having selected the speeches, I made such head-notes as would enable readers to follow the facts of contemporary history. Along with his speeches have been given here and there the reports of some passages-at-arms, which demonstrate his extreme readiness in debate, marvellous command of words in English, and singular freedom from fear and favour, ill-will and anger. His expositions were always marked by sound sense and broad sympathy, and clad with a freshness which must have prevented a long sitting of the Council from becoming tedious.

His work in Council may be divided into five parts : firstly, as the representative of the Thamil, and Thamil speaking, inhabitants of Ceylon from 1879 to 1892 ; secondly, as Acting Attorney-General between 1894 and 1896 ; thirdly, as the elected representative of the Educated Ceylonese of the Island between 1911 and 1916, and between 1917 and 1920 ; fourthly, as a member nominated by His Excellency Sir William Manning between 1921 and 1924, in view of important developments expected in the next reform of the Council ; and fifthly, as the elected representative of the Northern Division of the Northern Province in the New Council, between 1924 and 1929.

The present volume contains selected speeches delivered between 1879 and 1894. Volumes II and III are in course of preparation.

SUDHANSU BOSE.

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MR. RAMANATHAN'S SPEECHES.

ON THE BILL FOR PREVENTION OF COFFEE STEALING BY EXCEPTIONAL LAWS.

(1ST OF OCTOBER, 1879.)

As the Government sought to re-introduce almost all the obnoxious sections of the Coffee Stealing Ordinance, No. 13 of 1876, which had already expired, MR. RAMANATHAN moved that a return be made of all cases of coffee stealing decided in the Supreme, District and Police Courts between the passing of the said Ordinance and the 31st December, 1878, shewing the quantity of coffee alleged to have been stolen, the number of persons accused, and the number of persons found guilty, in each Court

He also moved that all official papers which had come into the hands of the Government relating to the subject of coffee stealing, since the passing of the Ordinance No. 8 of 1874, be laid on the table.

The following was MR. RAMANATHAN'S maiden Speech in Council :—

I regret I cannot agree to the second reading of this bill. Many of its provisions are oppressive to the people of the country. The third clause, for instance, enacts that coffee should not be loaded or unloaded at night for any purpose whatsoever, except in a certain specified way. Then again, if I have green coffee in my possession, I am presumed to have stolen it, and the onus is on me to prove that I have not stolen it; nor can I buy coffee from a labourer or even a carrier unless I keep a book and call in a police inspector to attest the transaction; and if I do not produce the book when requested to do so by a police officer, I may be imprisoned for three months; and if I have had the misfortune of having been once imprisoned for any of these offences and happen to be charged, rightly or wrongly, a second time, my former conviction may be mentioned at any stage of the proceedings, with the evident object of influencing the mind of the Magis-

trate so as to procure certainty of conviction the second time also. These and other provisions are plainly repugnant to law and justice.

I do not want to detain the Council by shewing in what special manner these provisions cause oppression to innocent people, because that part of the subject was thoroughly exhausted, when bills more or less of a similar nature were introduced in former times. Though my learned and honourable friend on the right (Mr. Ferdinands) now says that the present bill is not oppressive, yet when he was on our side of the house I know of no one who spoke more ably or more feelingly than he on the extreme hardship, oppression and injustice which such a bill would work, and as events proved, did really work. One of my predecessors, Mr. Ondaatjee, was equally strong in his condemnation of the bill.

I have been referred by the Hon. the Colonial Secretary to the opinions entertained by the judicial officers who have reported on the Coffee Stealing Ordinance. I have not been given the opportunity of perusing those papers, and in the absence of any further information than I already possess on the subject, I cannot help persisting in my opinion that the Ordinance has worked hitherto oppressively. I refer the Council to pages 42-45 of the *Hansard* for 1873, and to one or two other volumes of it, where my honourable and learned friend on the right, in conjunction with the then Thamil Member, detailed the mode in which the hardships were caused to Kandyan landowners and other classes of natives. I wish now only to impress on this Council that these hardships have the effect of putting a sort of embargo on native enterprise generally, and even on the free use of a common necessity of life,—for no other reason, it would seem, than that the coffee belonging to European planters is being pilfered. I do not at all object to the punishment of the thieves, but when the *modus operandi* involved in the punishment presses sorely on the innocent, it becomes our duty to complain. If I may say so, the lash laid on the guilty cuts not merely the guilty but even the innocent.

But, Sir, apart from the question of oppression, we ought to consider whether the intervention of the legislature is really necessary at the present day. When the bill was originally introduced in 1873, it was admitted to be exceptional legislation, and the exceptional circumstances which were said to justify it were early enunciated by your predecessor, Sir William Gregory. He said (1) that coffee stealing had increased enormously, and (2) that it had assumed the proportions of a regular business. Even though the matter was of such pressing importance, the bill was then thrown out, on the ground that the license system proposed as a remedy was altogether severe. Then another bill was brought in, in the following year, with a different remedy, and was carried through after much opposition. That Ordinance expired in 1876, when a fresh bill was introduced on the motion of my honourable friend on the right (Mr. Downall—Planters' representative). It was opposed by the late Mr. Alwis (Sinhalese representative) and Sir Coomara-Swamy (the then Thamil representative), but was carried. You will note, Sir, that all through these discussions, the assumption was that coffee stealing prevailed to a considerable extent. But now how do matters stand? The present bill was asked for by Mr. Talbot (the then Planters' representative) at the latter end of last year. On that occasion, the then Queen's Advocate (Mr. Cayley), referring to Mr. Talbot's motion, said:—

> "I only received this motion yesterday, or otherwise I should have been prepared with the statistics it would be desirable to have, but I have examined the statistics of the police courts for 1877 and could not discover a single charge instituted under this Ordinance. It appears to me therefore, that it is almost a dead letter. It is just possible that under the head of miscellaneous charges, some of these charges may have been entered by the police magistrates, but none have been entered expressly, and I think that during the last two or three years the Ordinance has been a dead letter."

And my honourable friend, the Colonial Secretary, speaking in the same strain, said:—

> "My honourable friend on the left (the Queen's Advocate) has stated that as far as he knows, not a single prosecution has taken place under the Ordinance for two years. In the absence of that information, I think the Government would not feel justified in asking for a renewal of the powers required."

And my honourable friend on the right (Mr. Downall) said in 1876 that there was very little coffee stealing then. I have thus ample reason, Sir, to take it for granted that coffee stealing does not exist now to any appreciable extent. If, then, the evil does not exist, why this legislation, I ask? It is admittedly exceptional, and where are the exceptional circumstances justifying it?

A continuance of the stringent provisions embodied in the bill would be as unjust as a war-tax continuing to be levied even after the war had ceased and its expenses paid. I am perfectly aware of what might be told me, that the rejection of this bill would revive coffee stealing. I don't know that it would. But even if it did, honourable members would remember that the planters did not in the first instance ask for exceptional legislation of the kind before us. When coffee stealing was on the increase and the Government asked for advice, the Planters' Association offered certain suggestions which were highly reasonable and contained nothing in the way of exceptional legislation. I refer you, Sir, to the *Hansard* of 1874-1875, p. 23. This was what the then Colonial Secretary (Mr. Birch) said:—

"The question being one of such great importance to the planting community, the correspondence was referred to the Planters' Association, and some 130 or 140 replies had been received to letters addressed to planters by the Association, no doubt containing very much valuable information on the subject. But the Planters' Association Committee were unable to recommend anything in the way of special legislation. Three things, however, were recommended, (1) that Government should take more care in allowing Sinhalese squatters to erect boutiques on Crown lands, (2) that more discrimination should be exercised in granting arrack and spirit licenses to such squatters, and (3) that there should be some improvement in magisterial appointments."

I know I am not singular, Sir, in believing that, if these improvements are carried out, and if prosecutions under the existing ordinary law of the Island are more carefully undertaken by those interested, and if the planters help themselves a little more and organise a more active system of watching, coffee stealing will go down of itself. But the Government of that day were ambitiously disposed. Accordingly, though there was no reason whatever for special legislation, they introduced a bill embodying special

legislation. I am right, therefore, in saying that the bill emanated from the Government, which had the effect of not merely putting down coffee stealing at once, but also of creating almost a panic in the coffee districts, so much so that a cup of coffee cannot be obtained now-a-days in many parts of the Kandyan territory, not even though the applicant be a Supreme Court Judge, as was once the case recently. The people would rather forego the use of coffee than be subjected to inquiry and annoyance. As coffee stealing has been successfully put down, the planters are only too glad to pray for the renewal of a measure which has afforded them so much protection, and which relieves them at the same time of so many responsibilities. But I do not think it right that this protection ought to be given them at the expense of the livelihood and comfort of innocent natives, and that too at a time when coffee stealing, which this Ordinance is intended to check, does not prevail to any extent worth speaking of.

[An animated dicussion followed in which several unofficial members took part. Being in a minority, MR. RAMANATHAN did not press for a division. The Bill was then referred to a large Committee on which he also was appointed to serve. It was finally passed in a modified form on the 22nd of October, as a permanent measure.]

ON THE RESIGNATION OF SIR JOHN PHEAR, Kt., CHIEF JUSTICE OF CEYLON.

(29th OF OCTOBER, 1879.)

The Hon. MR. J. VANLANGENBERG, the Burgher Representative, asked if the resignation of Sir John Phear of his Office of Chief Justice of the Island was conditional upon a refusal to grant him a short leave of absence which he had applied for, and moved for papers.

In seconding the motion, MR. RAMANATHAN said :—

I quite agree with the hon. the member for the Burghers in considering the subject matter of the motion to be of public importance. The Ceylonese are interested in knowing what the Government has to say about the resignation of Sir. John Phear. They feel it as a national loss. The Bar, too, which of all bodies, is most competent to judge of his merits, is agreed that the Chief Justice's resignation is one of the greatest losses which the Colony has been called upon to bear. It would be invidious to compare one man with another, but I will show by facts and figures what eminent services Sir John Phear has done to the Island within the short space of two years during which he held office, and how well grounded the feeling of the public is.

Sir John Phear came to Ceylon not a day too early. Between the time of Sir Edward Creasy's departure from Ceylon and Sir John Phear's arrival, many things had gone out of gear in the Judiciary of the Colony. Indeed, it had become so laisser-faire that there was a complete absence of tone in the department. The cases in the cause list of the Supreme Court had accumulated to such an extent that none of the Judges before Sir John were able to cope with the evil. After several acting appointments for over three years, Sir William Hackett was appointed as Chief Justice. By that time the accumulation of cases in the Registry of the Supreme Court had become a pressing

evil, and the creation of a fourth Judgeship was seriously discussed. Indeed, it was stated on the authority of Sir William Hackett himself that he accepted office on the understanding that a fourth Judgeship would be soon created. That was the only method, it was believed, of clearing off the arrears and of keeping abreast of incoming work. Sir William, however, died and Sir John Phear was appointed.

Sir John saw the remedy at once. By re-organising the circuit work of the Supreme Court he brought together two Judges in Colombo so as to enable them to sit together throughout the year and dispose of final appeals from the District Courts. I do not wish to refer to all classes of appeal cases, but will confine myself only to appeals from the final decisions of District Courts. In 1875, there were decided 250 finals; in 1876, 175; in 1877, only 150. Under the new scheme of Sir John Phear, there were no less than 525 finals decided in the course of the working days between 1st January and 30th October 1879. He had thus cleared off all arrears, and had he been allowed an opportunity to remain in the colony for some time longer, he would have succeeded in disposing of finals as early as other appeals are decided now.

In former times it was quite usual for cases to be in the registry, awaiting a hearing for over a year. At the time he left, he had reduced the delay to barely five months. The benefit of a speedy termination of law suits was plain, but more than that, Sir John Phear had saved the colony the creation of a fourth judge, which meant an annual charge of Rs 19,800 on its revenue. In other countries, judges would have received the thanks of their sovereign for clearing off heavy accumulations of work, such as the Supreme Court of Ceylon was labouring under. It is always thought a peculiar service to the country. Lord Brougham, while Chancellor, was thanked for it in a special letter from William IV. But how has Sir John Phear been treated? He nearly killed himself with work, and his application for leave was refused. It is a great pity.

I intended to go somewhat minutely into other matters which, from their condition, forced themselves on the

notice of Sir John Phear, but time is going apace and I will not detain the Council. I will only mention that during Sir John's tenure of office the bar has risen immeasurably in tone and learning, He in short educated the bar. He reformed the Registry of the Supreme Court, by putting the petition department on a proper basis, by insisting on the records and minutes of the registry being well kept, by teaching its officers how the decrees of the Supreme Court should be framed, by determining the responsibility of each officer as regards custody of money, records and papers, and by several other ways. He inaugurated a weekly issue of official law reports. He enforced attention to details and respect for procedure and principle, and generally he carried into his work so much earnestness of purpose, accuracy of habit, discipline, punctuality and thoroughness that he soon instilled into every department of law the tone it so badly required, The resignation of such a man is a great loss to the Colony.

We are all aware of the feeling against Sir John Phear in ertain quarters. It is very natural that, when it became necessary to point out the great irregularities which had crept into the various departments of our system, and to condemn them in the course of his duty, he should be greeted with opposition in certain circles.

It will be well if the Government furnishes the information called for by the Hon. the Burgher member. Why did the Government impose on the learned Chief Justice the condition that he should have only a short leave, a period of leave shorter than he was entitled to? A man who had worked so hard for the country and the Government deserved better treatment. I second my hon friend's motion for papers.

ON THE NECESSITY OF MAKING MORE EFFICIENT THE DEPARTMENT OF PUBLIC INSTRUCTION.

(19TH OF NOVEMBER, 1879.)

MR RAMANATHAN moved in Council the necessity of putting the Department of Public Instruction on a more efficient basis, and asked if the Memorandum of the Director, dated the 12th May last and referred to by him in his report for 1878, would be acted upon.

MR. RAMANATHAN said:—

Honorable members no doubt remember the Royal Commission which was appointed in 1830 to enquire into and report on the condition and prospects of affairs in Ceylon. Lieut.-Colonel Colebrook, one of the Commissioners, dwelt in his report, among other things, on the educational system of the Colony, and recommended that the instruction of the population of Ceylon should be entrusted to a School Commission. That suggestion was accepted, and the School Commission, as then established, continued down to the year 1869 with slight modifications in its constitution. The board met once a month, and the inspection of schools was carried on by an Inspector and a Sub-Inspector. In the meanwhile a member of this Council (Mr. afterwards Sir, Muttu Coomaraswamy) brought up the subject of education before it in the year 1865, and succeeded in having a Select Committee appointed to inquire into the working of the School Commission and the wants of the country. The Committee sat for two years, and at last, about the end of 1867, presented an elaborate report, wherein, *inter alia*, they recommended the abolition of the School Commission, the appointment, in lieu thereof, of a responsible Director, and a revision of the Grant-in-aid Scheme.

The effect of this reform on the educational system of the

Island was most remarkable, for in 1869, the last year of existence of the School Commission, there were 120 Government Schools attended by 7,156 scholars, and 20 Grant-in-aid Schools attended by 1,595 scholars, making a total of 140 schools and 8,751 scholars. In 1870, the year following the abolition of the School Commission, the number of schools and scholars ran up to 385 and 16,927 respectively. In 1874, the statistics of the Department were rising still higher: there were 838 schools and 47,278 scholars. The Director, with his limited staff of officers, was unequal to the work thrown on him by this enormous increase, and accordingly the Government of the day sanctioned the creation of three Assistant Sub-Inspectors. The Staff of the Department then stood as follows: 1 Director, 1 Inspector, 3 Sub-Inspectors, and 3 Assistant Sub-Inspectors. Two years after this addition to the Staff, in 1876, the number of schools and scholars had steadily risen to 998 schools and 60,537 scholars. The Department again confessed its inability to do the work of inspection efficiently. The Staff was, therefore, increased by one Inspector. This was, however, not sufficient even at the time the increment was granted. It may thus be imagined what the pressure on the Department was two years later, in 1878, when it was called upon to inspect not 998 schools and 60,537 scholars, but 1,128 schools and 67,750 scholars. Messrs. Colson and Marsh, Inspectors, were agreed in reporting that the inspection of so many schools could not be carried on by them under existing circumstances.

The duty of inspection is of paramount importance in the Department of Public Instruction. Without this duty being properly fulfilled, much of the money annually voted by the Council would be thrown away. The evils arising from the inefficiency of the Department in this respect are very tersely put by Mr. Bruce, the present Director, of whom every body speaks so very favourably. In his report for 1878, laid recently on the table, he refers to a "Memorandum" dated 12th May, 1879, and says:—

"Since that memorandum was written, I have had the most convincing proof that schools on the Government list, and

even Government Schools wholly under the control of the Department, may virtually cease to exist, while there is no machinery to inform the Director, or to prevent a dishonest teacher from continuing to draw pay, when he has left the School bungalow to take care of itself."

Mr. Bruce therefore proposes an increase in his present staff. He asks for an additional Inspector, a Sub-Inspector and two Assistant Sub-Inspectors, involving an additional cost of Rs. 6,700 a year. That amount is a trifle in itself, but in the cause of education it will even respond to the question of "will it pay?" I don't think it necessary to dilate on the obligation of the Government to educate the people. I think that will be conceded, but I do wish to press on you, Sir, the fact that capital invested in education is reproductive. I am able to refer you to men of acknowledged authority in reference to this proposition. Sir Charles Mac Carthy, who was chairman in 1849 of the Sub-Committee of the School Commission, states in his report that "every shilling laid out in furtherance of the cause of education may well be expected to bring back interest a hundredfold." My own countryman, the late Mr. Lorenz, in his usual happy style, when called upon in 1866 to state his views on the educational system of the Colony, after recommending the appointment of a Director and the "localization" of an Inspector in each province,—the very thing insisted upon by Mr. Bruce,—wrote as follows:—

"Such an arrangement would, of course, entail expense but I trust there is no necessity for discussing that question, for I am convinced the Committee will not be disposed to reject a reasonable and practical project on the mere ground that it will entail an additional charge of a couple of thousand pounds on the revenue. There are some who cannot be persuaded into looking at Education from other than a pound-shilling-and-pence point of view,—who will not admit that there are other "returns" from education than an equivalent money payment by way of cross-entry, and who expect that for every pound spent in 1867, there should

be a return in 1868, (or at the farthest in 1869) of a like amount. I would rather consider the social and political advantages of educating the people. Every educated youth, who goes into the world, is a power and an influence amongst the people. The enlightenment he has received at school, on matters of religion, of good government, of morals, and of social progress, will not remain sealed up in his brain, but will issue forth from time to time in his intercourse with his less enlightened friends, and thus exert an influence over others which gradually and without violence to their feelings or their prejudices will effect a change in their conduct. A learned and virtuous man soon becomes a social ruler and dictator in his village, and can by his advice and example, do more than many policemen in the discouragement and repression of crime. But in addition to this social influence, he exerts also a political influence over the people of his District; for such a man has both the ability and the disposition to "stand up" for the Government, at whose hands he received his education, and to vindicate it against the murmurs of the ignorant and the discontented."

But the Court of Directors of the late East India Company in their Despatch dated 19th July, 1855, on the subject of general education in India, were prepared not only to spend large sums of money in the cause of education, but also to raise money by taxation if the existing revenue did not permit an outlay such as they wished. This is what they said:—

"Although we are fully aware that the measures we have now adopted will involve in the end a much larger expenditure upon education from the revenues of India, or in other words, from the taxation of the people of India than is at present so applied, we are convinced, with Sir Thomas Munro in words used many years since, that any expense which may be incurred for this object will be amply repaid by the improvement of the country; for the general education of the people is inseparably followed by more orderly habits, by increasing the industry, by a taste for the comforts of life, by exertion to acquire them, and by the growing prosperity of the people."

Nor can it be said, Sir, that the annual vote voted by us for education is relatively large. I went into a calculation by comparing our votes and resources with the votes and resources of some other Colonies. I find that New South Wales devotes about one-fifteenth of its revenue to the education of its inhabitants, numbering 660,000 souls; Mauritius one-forty third of its revenue to 316,000 souls; the Cape of Good Hope one-forty third of its revenue to 1,330,000 of its inhabitants; and Ceylon one-fortieth of its revenue to no less than two and a half millions of inhabitants! So that, we who speak of ourselves as rolling in wealth are the niggardliest in our expenditure on so noble a cause as education.

I sincerely hope, Sir, that the suggestions of Mr. Bruce will be accepted. I don't know him personally, and I wished very much to confer with him personally, but he has been for some time out of town. I would like to read his Memorandum of the 12th May, 1879, a short summary of which is given in his report; I would also like to read the Code, which I understand he has been submitting to the Government. From all accounts I have been able to gather of Mr. Bruce, he appears to me to be one of the ablest of Directors. It is important that the suggestions of such a man should be utilised to their fullest extent. I shall be pleased to hear that his Memorandum will be accepted in its entirety.

MR. RAMANATHAN was ably seconded by the Hon. Geo. B. Leechman, the Representative of European commercial interests, and supported by the Hon. J. Van-Langenberg, the Burgher Representative. His motion was accepted by the Government, and in consequence important changes were effected in the Department.

ON THE IMPORTANCE OF HAVING SELECT ENGLISH BOOKS ON ETHICS AND SCIENCE TRANSLATED INTO THE VERNACULARS OF THE ISLAND.

(3RD. OF DECEMBER, 1879.)

The Hon. Mr. J. P. Obeyesekera, the Sinhalese Representative, drew the attention of the Government to the necessity there was for providing the Vernacular Schools of the Island with a suitable series of Sinhalese books, and asked whether, if any, and if so what steps had been taken to meet that want, in consequence of the report, dated the 2nd February, 1871, made by the Committee on the subject of Vernacular Education, to the Government.

In seconding this motion, MR. RAMANATHAN said:—

The Hon. the Sinhalese member has pointed out that the subject of providing Vernacular Schools with Sinhalese books has not received that attention from the Government which it called for, and has pathetically appealed to His Excellency not to allow the literature of his race to die out. I certainly think that Sinhalese schools should be furnished with a proper set of elementary books, but that alone is not sufficient. For what is the Sinhalese youth to do after he has read the reading books of standards 1, 2, 3 and 4? At present the great ambition of the Sinhalese youth, who has picked up a smattering of English in the Anglo-Vernacular Schools, is to assume the external phases of western civilization only, without caring to aspire to those really sound elements of it which make that civilization valuable. When the Sinhalese youth comes to know a little English, his mind becomes unsettled. He discards the plough, the honourable and useful calling of his ancestors, idles away his time or becomes a petition-drawer or clerk on a miserable pittance. This is not as it should be. The Government has hitherto devoted large sums of money towards instructing the youths of this country in elementary English education

and neglected to give them the opportunity of entering upon a higher course of study in their language. The future policy of the Government should be to spend largely on the promotion of Vernacular education. It would not do to publish merely a graduated series of ordinary reading books for the first, second, third and fourth standards. Would such books lead young Ceylon to form a correct estimation of the things of the world, to cultivate habits of perseverance and industry and, most important of all, to beget in them a willingness to read useful books, think of what they have read and work in fields that lie nearest to hand? These are some of the blessings aimed at by education. Surely by publishing Sinhalese or Thamil readers marked Nos. 1, 2, 3 and 4, the Government could not well say to itself that it had done its duty by education.

What the Sinhalese and Thamil youth lack most is character. It is the duty of the Government to develop it. The youth of the country ought to be made to think on sound lines, without prejudice, wayward inclination or caprice. I know of no book that can effect this object better than Smiles' "Self-help," the like of which does not exist in Thamil or Sinhalese prose. The Government would confer a positive boon on the Ceylonese by obtaining a translation of that book. Another much-needed book I would mention is Dr. Flemming's "Moral Science." There are several works on morals in Thamil literature, and I daresay in Sinhalese also but they embody a collection of terse texts, very correct and excellent, but something more is wanted. Those didactic sayings are not made to rest on a definite theory of morals. At least, readers are not taught the reasons of things. It is based on authority. In this respect, Hindu and Buddhist students are much in the same position as the Greek students were in the time of Sokrates. Your Excellency may remember a passage in the "Platonic Dialogues" where Meno asked Sokrates whether Virtue was docible. The answer was, it was not, and Sokrates explained the reason by saying that morality as then understood consisted merely of a collection of correct opinions, and that until those opinions were

systematised and reduced to the precision and exactness of a science, they could not be taught effectually. Sokrates, therefore, advised Meno to imitate good men as best he might. In those days,as now, men and women could become good only by association with those that are good. Western educationists have theories of morals, and a consideration of these theories is of itself enlightening and stirring. The roots of ethical conduct as well as its main and subordinate divisions are cleverly discussed. Dr. Flemming's work on morals would be very useful to the class of young men I am referring to, and that is why I give prominence to it now. I would also mention that Balfour Stewart's work on Botany might well be translated. That science would not be too much for young Ceylon, as Your Excellency is aware that little children learn some of its elementary truths under the "Kindergarten" system advocated by Frobel. There is another book which, if translated, would be of immense service in the suppression of superstition and prejudice, and that is Lewis' "Physiology of Common Life." The perusal of a translation of these and similar books would furnish much food for reflection to many a Ceylonese young man and make them quiet useful citizens, willing to improve themselves and those that are about them. In the case of those who have the advantage of a higher education, a higher English education I mean, they have always an opportunity of distinguishing themselves, if they can, and leaving a mark on the country.

For the translation of the books indicated, the Government ought to offer facilities. In the neighbouring continent, for instance, the Indian Government offered a prize of Rs. 1,000 for a medical work, and Surgeon Major Moore quite recently drew the prize for his "Manual of Family Medicine for India." Otherwise, what incentive to action would translators have in translating? I think a Commission ought to be appointed for the selection of books to be translated, but it ought to be a mixed Commission, to which men of learning and practical ability should be appointed.

SPEECH ON MEDICAL AID TO ESTATE COOLIES.

(10TH OF DECEMBER, 1879.)

The Colonial Secretary moved the second reading of an Ordinance to repeal the Ordinance No. 14 of 1872 intituled, 'An Ordinance to provide for the Medical Wants of the Coffee Districts,' and to make other provision for the medical requirements and treatment of labourers in the Coffee Districts." A warm debate followed. The European Planting Representative, Mr. R. B. Downall, moved as an amendment that its second reading be postponed that day nine months.

Mr. Ramanathan delivered the following speeech.

I have no opinion to offer on the question of the postponement moved for, but I cannot agree to the second reading of the bill. I am glad to hear from the hon. member for the Planting Community that the planters are willing to do their best for the coolies, and help the Government in their attempt to reduce the prevalent illness and mortality complained of. It is more than a mere duty which the planters owe to their employes, because it is clearly to their interest that the labour which their capital commands should be kept up in an efficient state. But unfortunately there is now-a-days a plethora of labour supply in the Island, which has the effect of rendering planters somewhat negligent of their duties towards the cooly. Mr. Bisset, one of the witnesses examined by the Commissioners, said, in answer to the question whether Superintendents gave the same attention to coolies now as formerly :—

"I don't think they do. The chief reason is that with the surplus of labour we have now, one is not so anxious to have them turn out. If a cooly asks for medicine, or if he is reported ill, the Superintendent attends to him, but otherwise I don't think he, as a rule, puts himself much about."

This state of things should not be allowed to continue. It is the duty of the Government to take under their protection the cooly, and to afford him all the help he needs during

illness. The prosperity of Ceylon is bound up no less with the stability of the labour-supply than with the influence of European capital. Sir Hercules Robinson, therefore, did well in taking up the matter of giving medical aid to coolies. But the scheme he put forward was inherently defective. For in 39 coffee districts there were reported to be 1357 estates, comprising about 275,000 acres and 300,000 coolies. All these coffee districts were divided into 21 medical districts, which meant 65 estates to one medical district or about 15,000 coolies to one doctor. How could the doctor attend to the wants of so many coolies scattered, as they were, amongst so many estates? Naturally it came to pass that the doctor, finding himself unequal to the work thrown on him, confined his attention to the Superintendent and his family. In the meanwhile coolies were left to die at the rate of 60 per 1,000, which was nearly three times as much as the proper rate of mortality. The great point to be aimed at in any scheme is to nip the disease in the bud by bringing the doctor to the door of the cooly.

I heartily agree with Dr. Kynsey's observation that nothing short of the compulsory system should be adopted. Dr. Kynsey's proposal is not expensive under the circumstances. He proposes to divide the 39 coffee districts into 5 medical districts, each under a qualified European doctor, and each medical district into 3 sub-districts, making in all 15 sub-districts, each of which is to be placed under a medical assistant, in charge of a small hospital of twenty beds and an outdoor dispensary. The five European doctors are to inspect and supervise the work of the 15 medical assistants. Besides these 15 medical assistants attached to each hospital, Dr. Kynsey proposes to have 56 sub-assistants to go on circuit, each of 5000 acres in area, inspecting cooly lines and reporting cases to each hospital. The scheme of Dr. Kynsey is practical and effective for the end aimed at. If anything, Dr. Kynsey is too moderate, for I think that 56 sub-assistants are too few for the work in hand, and that this number ought to be increased to 75, which will leave 5 sub-assistants on circuit round each hospital centre. The Go-

vernment ought not to grudge the expense which this scheme would involve.

The Coolies represent labour, and the planters the capital; and the joint result of these two elements contribute greatly to the prosperity of the colony. By the labour of the coolies the planters are as much benefited as the Colony itself. Why should the planters bear all the expense themselves? The Government ought to share the cost of the scheme with the planters. That is nothing but fair.

The hon. member for the European planting community, in speaking of the contribution of the planters, complained of the existing mode of assessment and suggested in lieu thereof a small export duty on coffee, tea, cinchona, etc. I have nothing to say against the suggestion, provided plantation coffee, and not native coffee, is taxed in that manner. I am assured that native coffee growers do not employ Thamil labourers, but work themselves on their own lands, and therefore, I do not think that a general export duty may fairly be demanded of all classes of planters. This question is a difficult one and requires careful study. But whatever the mode of assessment, it is very plain that Government ought to take the scheme entirely into their own hands, for that is the only manner in which the interest of the cooly can be effectually looked after.

[In view of the opposition offered to the second reading of the Bill, the Government did not proceed with it in Council.]

SPEECH ON THE WORKING OF THE THOROUGHFARES ORDINANCE.

(13TH OF OCTOBER, 1880.)

As the practical working of the then existing Road Ordinances involved many hardships to the people, Mr. RAMANATHAN moved in Council, on the thirteenth of October 1880, for a Commission of Enquiry into the different phases of the question which required to be investigated, and made the following speech:—

Since resolving upon the introduction of the subject of the Road Ordinance into Council, I have learnt some facts which make me believe that much pressure is not necessary on my part to induce the Government to grant a Commission of Enquiry. I find a motion of a nature similar to my own brought in by the late Mr. James De Alwis in 1876, but that was based on grounds entirely different from what will be stated by me presently. Mr. Alwis asked for a revision of the Ordinance, chiefly because the Colony was well provided with "principal roads" and was badly in want of "minor roads." Mr. Alwis, therefore, wished to redistribute the road-tax fund and devote more of it to minor roads than to principal roads. It was then pointed out that there was nothing in the Ordinance No. 10 of 1861 to prevent the apportionment of the fund in the manner indicated. But what I now desire to say was never before pressed on the attention of hon'ble members in Council.

I do not complain of the road-tax itself, but I think that the machinery for the enforcement of labour and of the payment of the commutation money needs revision. The whole Ordinance is directed to the fulfilment of these two objects. As regards the collection of labour, clause 52 of the Ordinance No. 10 of 1861 prescribes the time and place of attendance to perform the labour. It is very hard for a villager to have to leave his family and travel fifteen miles to do the work prescribed by the District Road Committee. The vil-

lager cannot return home on the same day from so great a distance. As he has to work for six consecutive days on the task, his family will have to be without his help or protection for all this period. It is practically his banishment from his family for six days.

Now, this hardship could be mitigated to a certain extent if clause 57 of the Road Ordinance were acted upon. This clause empowers the District Road Committee to pay the labourer on application subsistence money for twelve days and take work out of him for twelve, instead of six, days. I have reason to believe that this clause is a dead letter and that in fact District Road Committees avoid entering into an obligation of this sort. A Commission, if granted, would be able to inquire and report on these matters.

Then, as regards the collection of the commutation money, payment of it is compulsory, under clause 61, in the month of April of every year. The time for collection ought to fall, not when people are engaged in cultivation, but when they have reaped their harvest.

Another matter which demands the attention of the Council is the unrestrained power of commutation given to the labourer by Clause 60. This power injures the labourer and injures the District Road Committee. It injures the labourer in this way. If he, the labourer, is a man of means, the commutation money will be paid when due, but if he is poor and cannot pay, as is very naturally the case, he will come under the rigorous procedure prescribed for the recovery of the debt, and at length find himself in jail, condemned as a criminal to work with real criminals. Thus the poor labourer, too idle or proud to work of his own will on the roads, because he hopes to scrape up the wherewithal to pay, is sent to jail, under sentence of hard labour, punished, so to speak, for entertaining a vain hope. His punishment does not help a bit the District Road Committee. District Road Committees are bound under the Ordinance to make out a list of those who have commuted to pay and have to pay to Government for the maintenance of the principal roads some two-thirds of the money which they expect to

collect by way of commutation. The Government is paid this money, but the District Road Committees never recoup themselves in full. They cannot do it, as I have already pointed out. They lose the labour of the labourers sent to jail, and in addition have to pay the Government the defined quota for the principal roads.

I will now refer to the evils of the summary process of recovery under Clause 64. As soon as those who have commuted to pay become defaulters, the Chairman of the District Road Committee transmits an Order in the following terms to the Magistrate of the District in which the defaulters are:—

"It is ordered that the persons whose names and residences are under mentioned do forthwith pay into the Police Court of——the respective sums opposite to their names, being double the amount of the commutation due by them for the year——."

The Police Magistrate on receiving this order issues a warrant of distress. If sufficient distress cannot be had, as is very often the case, the defaulter is sentenced to hard labour and imprisoned for varying periods proportionately with the sums due. The committals in 1875 were 2566; in 1876, 2863; in 1877, 3,251; and in 1878 no less than 8,131. These wholesale committals sometimes overstock the prisons. Mr. Elliott, the Inspector General of Prisons, refers to this in his report, dated 15th July, 1897. Speaking of the Road Ordinance defaulters in the Jaffna prisons, he says:—

"The lock-up return discloses that all sorts of buildings scattered about the Fort, were utilized to supply sleeping room, such as the carpenter's shop, guard room, old house on battery, lunatic cells, maingate, and even the verandah of Queen's House...........Not one of these buildings I need hardly state has been approved of by the medical authorities or by any predecessor or myself as affording proper accommodation for any class of prisoners."

Mr. Elliott also refers to irregularities which "are sure to creep in" in such wholesale committals. He speaks of mere boys and even children who have not lost their first

teeth, being committed as defaulters, though the Ordinance expressly exempts persons under 18 and above 55.

I have already commented on the injustice of treating civil debtors as criminals, but what is the effect of this treatment of civil. debtors on the *morale* of the country? If the lower classes of the inhabitants of Ceylon lack anything, it is character. It is the duty of the Government to do everything in its power to elevate the character of the people. To remove a horror of imprisonment, to treat civil debtors as criminals, is not the way to teach people to despise crime.

Moreover, may I ask what the cost of maintaining in prison these road defaulters is to Government? What is the object of imprisoning them? Is it to punish the offenders? If so does such punishment further the object which the Ordinance has in view, namely, to supply the District Road Committee with the necessary funds? Some of Mr. Templer's observations, as Chairman of the Puttalam District Road Committee, are very useful. Hon members will find them at p. 95 of the Administration Reports for 1878,

I have now stated my views in support of my motion. None of these views were put forward in connection with Mr. Alwis's motion. Mr. Alwis's reason for revision does not weigh much with me, for there is nothing in the Ordinance to prevent a greater apportionment of the road-tax fund to minor roads than, as at present, to principal roads. The Commission, I now move for, is to enquire into the present working of the Ordinance No. 10 of 1861, in conjunction with the Ordinances 6 of 1855 and 5 of 1866 so as to report (1) upon the best method of collecting labour, and (2) upon the restrained power of commutation and the best method of recovering the commutation money.

[The Hon. Mr. J. P. Obeyesekera, the Sinhalese Representative, seconded the motion. The Commission was agreed to by the Government. Mr. Ramanathan served on it and succeeded in devising many measures of improvement, whereby the evils complained of in the working of the Ordinance were removed, as shown by the returns published in later years.]

ON THE REFORM OF THE FISCAL'S DEPARTMENT.

(20TH OCTOBER 1880.)

The Fiscal's Department for serving the processes of the Law Courts of the Island and carrying out writs of execution was the subject of discussion in Council, at the instance of the Hon J. Van Langenberg, the Burgher Representative, who moved for a return of the fees recovered by the Fiscals of the Island during 1899 and called the attention of the Government to the unsatisfactory condition into which the Fiscal's Department had fallen.

In seconding the motion, MR. RAMANATHAN said:—

I agree with much of what has fallen from the hon'ble and learned member who introduced the motion. It is a great pity that the Executive Government does not take upon itself the responsibility cast upon it by the fourteenth clause of the Fiscal's Ordinance. This clause empowers the Governor in Executive Council to "direct" the form and mode in which the work of the Fiscals' Department is to be carried on. I wish to know in what respects the government has directed the working of that Department. I believe that it has done nothing substantial in this direction. It is not the government only which has failed to undertake the duty imposed on it by the Ordinance, but also, I regret to say, the Supreme Court. For clause 18 of the Ordinance specially deputes the powers of the Legislative Council to the Judges of the Supreme Court, and permits them to make rules and orders where such are necessary. It is clear from both these clauses, 14 and 18, that the Ordinance No. 4 of 1867 laid the foundation only of an efficient machinery, and left the details of the system to be worked out by the Government and the Supreme Court. Neither of these bodies has undertaken the duty thrown on them. The consequence is what the public now plainly see: the Department is ill-regulated and inefficiently manned, and is therefore causing much annoyance and hardship to suitors. There are delays in the service of

process, in the making of returns in the execution of writs, and even in getting information about processes and writs; these are insufficient and bad returns; and worse still, false returns.

I will not weary the Council by instances, but will for the present, dwell on the frequency of false returns being made by process servers. After much trouble and expenditure of time and money, a judgment would be obtained and, on writs sued out, the property of the judgment-debtor would be seized. Then, for the first time, the judgment-debtor would come into Court, and, upon an affidavit that he did not receive any process whatever, would move that the writ of execution be recalled, and all proceedings subsequent to the libel be quashed, on the ground of fraud. An inquiry naturally follows, the result of which often ends in the opening up of the proceedings from the beginning, because the process-server did not serve the processes on the aggrieved suitor. Your Excellency will thus see the important position which the process-server occupies in the administration of justice. He is the pivot, so to speak, on which the whole system hinges, and yet as the Fiscals' Department now stands, there is no check of any kind on the process-server—except, of course, the threat of a dismissal. He receives a miserable pittance of ten or twelve rupees a month and is open to frequent and severe temptations. What matters a dismissal to the server, if he can otherwise collect a little fortune?

Now, the question before the Council is, how to remedy these and other evils? I would, in the first place, suggest the appointment of lawyers, who have seen the actual practice of our Courts, as deputies to the head of each of the Fiscals' Departments. Theoretical knowledge, however good in itself, will not enable one to cope with the evils complained of. He must, by actually taking part in legal proceedings, see the various ways and opportunities by which a dishonest suitor or lawyer defeats the ordinary course of law. It is in this manner that he can understand the tricks of the trade between the process server and the suitors, and be on the alert to stamp them out.

Another suggestion I would make is to enforce sections 9, 10, 11 and 12 of the Fiscals' Ordinance, which now remain a dead letter. These sections empower the Fiscal to subdivide each of his districts into divisions, to appoint a Marshal for each division; and to take securities from them for the due performance of the duties entrusted to them. And each Marshal, while he has the power of appointing an assistant under his hand, is held civilly responsible for the acts and omissions of his assistant and of the process-servers. The chain of responsibility so created would, if the sections were brought into force, give life and strength to the Department and would be the means of avoiding much mischief.

A third suggestion I would make is the necessity of having a larger number of process-servers and better payment for them. In Colombo, for instance, I am informed there are six servers to repreeent the wants of 100,000 inhabitants. How is it possible for six men to know personally all the suitors and witnesses who attend Court and might be drawn into Court? Personal knowledge on the part of the process-servers is essential to the sufficiency of the returns made by them, and it is no wonder that with so few servers bad returns and false returns are so frequent. The Moors of Colombo are a large class of litigants in Colombo, and yet, I learn, there is only one Moorish process-server in the Fiscal's office. How easy it would be for a Moorish party or witness to bribe this one man! The process-servers ought not only to be better paid, and their good conduct ensured by security bonds, but there ought to be a number of representative servers proportionately with the wants and importance of each community. Of course, Fiscals cannot themselves carry out expensive improvements such as these, without aid from the Government.

The charges and fees collected by the Fiscals form part of the general revenue, and it is for the Government to see that the several officers of the Department are better paid. While on this point, I would refer to a subject cognate with the survey fees spoken of by my hon'ble and learned friend who represents the Sinhalese (Mr. Obeyesekera). Poor suitors pay

into the Fiscal's office transfer fees, but are unable to obtain conveyances owing to want of surveys. A large sum of money has thus accumulated in the several Fiscals' Departments, and what has become of it? I have reason to think that the Government allows these transfer fees to pass into the general revenue.

I will not detain the Council longer. I would only say that I spoke at this length, only to lend the weight of my voice weak as it is, to the necessity of putting the Fiscals' Department on a more satisfactory footing.

[Much improvement was effected by the Government in consequence of this motion.]

ON THE UTILITY OF TAKING A CENSUS OF THE PEOPLE OF CEYLON.

(28TH OF OCTOBER, 1880.)

While the Supply Bill was being discussed the Hon. Mr. Downall, the representative of the European planters, objected to the vote of Rs. 125,000 for taking the Census in 1881, and drew attention to the opinion expressed by some of the members of the Committee who had been appointed to report on the Supply Bill, that they were not satisfied that the advantages to be derived from a Census would be commensurate with the large outlay of money needed for it. He, moved, "that the item be struck out of the Bill." All the unofficial members except Mr. Ramanathan supported him.

MR. RAMANATHAN said,—

I have listened with great attention to the observations of my hon'ble friends, and I am unable to agree with them. They say that a Census is useless because it is not accurate. I do not think that in such matters strict accuracy is attainable. All that is attainable is a close approximation to accuracy, and even that is not to be attained except after several attempts. Want of absolute accuracy, therefore, is not a satisfactory reason for avoiding a Census. The next objection urged is equally untenable. A Census, they say, is not advisable because the people of the country are unwilling to submit to enumeration, believing that it is made for the purposes of taxation, or enlistment of them as soldiers. These are wrong notions, and it is the duty of every right-thinking person to stamp them out. Besides, do my hon'ble friends mean that, because the people entertain these notions, a Census is never to be taken. As I understand them, they do not go that length, but seem to think that the taking of the Census ought to be postponed. Where is the force of this argument? If a Census may be taken at some future time, why should it not be taken now? The real objection to it is that the money required for it may be more advantageously devoted to some public work. I agree with this view if the public work be an irrigation work of immediate utility to the

production of food grains. When the hon. member who represents the planting community pressed me to vote against the Census, I repeatedly asked him if he could obtain an assurance on the part of the Government that the money would be expended on some public work of immediate utility. In the absence of that assurance, I cannot forego the Census. It is a choice between two evils,—

Hon. Mr. Downall (interrupting). The Census is an evil. Which is the other evil?

H. E. the Governor: Order.

Mr. Ramanathan (continuing),—I mean to say that there are two courses of action open to us, and I prefer a Census to a public work of doubtful utility. The want of an assurance from the Government that a public work of acknowledged utility would be immediately undertaken makes me to support the proposal of the Government.

The Census is not without abundant use. It is exceedingly desirable and indeed necessary on several grounds. Without it, we will have nothing to indicate the progress and prosperity of Ceylon, nor any means of comparing ourselves with the other nations of the world. A Census is also useful in matters connected with the incidence of local taxation, sanitary improvement, and for a variety of other purposes. Under these circumstances, I would support the Government.

ON THE NECESSITY OF ESTABLISHING POST OFFICE SAVINGS BANK IN CEYLON.

(10TH NOVEMBER, 1880.)

MR. RAMANATHAN moved that it was desirable, as a means of promoting national thrift, to establish Post Office Savings Banks in the leading towns of Ceylon and that the Government should take early measures for that purpose.

He said,—

I remember reading somewhere the reply of a Mandarin to the question why the Chinese Government existed. He said "It existed for its own benefit. The people, their institutions, the country and everything within its borders are all subservient to the state." I do not know if that is the avowed domestic policy of China, but as regards Ceylon, Knox tells us in his History of Ceylon that by an order of the King the best fruits grown in the kingdom had to be carried by the growers themselves to the royal table, and he adds that this fiat suppressed fruit growing. I allude to these travesties of political principles to show that, when governments are selfish and ignorant of constitutional safeguards, popular savings banks could not exist. The people who are in fear of encroachment on the part of the government will not entrust their earnings to the State. The rich men of the land often melted their surplus gold into unproductive bars and buried them for safety, while the poor laid out their little savings on trinkets for their wives and daughters, and thus the varied reproductive uses to which money might be put were lost to them. Consequently society remained where it was, stagnant, composed of a miserable class of peasants and artizans on the one hand and haughty chiefs in little sympathy with the people.

The advent of the English Government is slowly but surely altering this condition of things. It has given to the masses

security of life and property, equal laws, and freedom of action and speech. Encouraged by such blessings, the more forward of the Ceylonese, especially in towns like Colombo, Kandy and Galle, breaking away from the trammels of caste and tradition, have boldly copied European methods of work and have benefited themselves proportionately. They have become owners of large cocoanut and other estates and have entered many lucrative professions. These and the handful of hereditary owners of large landed estates are the wealthier classes amongst the Ceylonese. They are numerically small, though very influential and know quite well how to husband their resources. The Government need not trouble themselves about promoting thrift in them.

My motion has in view the welfare of the working classes. It is the duty of the Government to do all it can to improve their condition. Truly wretched is the family that is not able to make both ends meet, but there are thousands of families whose earnings are in excess of its immediate wants, and it is the case of these families which the Government has to consider.

What becomes of their small savings? I know of cases where thrifty men have entrusted these savings to a rich neighbour for safe custody, and the rich neighbour appropriated them to his own use. Others there are who attempt to lay out their money on loans and wreck their all in the end. A third class, afraid of the risks attendant on saving, pampers to their desires and necessarily live from hand to mouth. Others lock up their earnings in superfluous jewelry and thus miss the chance of making their money bear fruit, by careful investment on profitable lands on interest. Others still and these are by far the largest class, cannot help frequenting the tavern or gambling house or indulging in needless litigation. Is it not the duty of the Government to help these classes of people, to wean them from improvidence by holding out encouragements to save, by offering at their very doors, so to speak ready and attractive means of investing their small savings?

The Ceylonese at present, I mean the masses, fall under

the category of communities whom Sir William Harcourt described as fit for only a "grand motherly Government". It is usual to speak of Englishmen as independent, able to manage their own affairs, and self relying. And yet what abundant precautions have been taken by English statesmen to encourage thrift among the English working classes? They have their savings banks, penny banks acting as feeders to central banks, and Post Office banks. Not satisfied with these institutions, Dr. Fawcett has recently introduced a new system of saving. He was so struck with the wastage of pennies that he has empowered Post Office banks to receive from depositors a card-board of twelve penny postages in lieu of a shilling. The advantage of this arrangement is obvious. Having once pasted a penny stamp on the card-board, the working man was less liable to fritter away the stamp than if he had the penny in his pocket. When he had collected twelve stamps in this manner, he handed the board to a Post Office and it was received as a deposit of one shilling. If such aids are necessary for the promotion of thrift among Englishmen, whose motto is self-help, what do not the Ceylonese require? To save them from improvidence, to enable them to put by something against an emergency or for the future, to help them to avoid debt, to be thrifty and grow to be independent is, I conceive, a pressing duty which the Government owes to the labouring industrial classes.

It is true we have a Government Savings Bank in Colombo but what sort of people bank with it? Chiefly the inhabitants of Colombo, and of them mainly domestic servants, clerks, small landowners, etc, and even in their case the facilities for depositing are very restricted. They may deposit only once or twice a week and at certain hours, and there are other rules which are inconsistent with the principle of encouragement to save. It may also be said that the Savings Bank of Colombo admits of deposits from provincial residents through provincial Kachcheries. But whoever takes advantage of this roundabout mode of doing things? What we want is a ready and attractive method of inviting deposits. There should be no obstacles in the way of one who thinks

of depositing, Post Office banks afford the necessary facilities. Each of the money order offices in our towns ought to be a Savings Bank also, admitting of sixpenny or shilling deposits. I do not think the Postmaster General could experience any difficulty in working these banks. I have studied the rules under which these banks are worked in England and I find them to be thoroughly intelligible and easy to work. I sincerely hope that the Government will take this important matter into their consideration and initiate these banks at as early a date as possible. I would be sorry to be put off with a distant promise, for I believe that such institutions tend directly to ameliorate the condition of the working classes.

[MR. RAMANATHAN withdrew his motion, bec use H. E. the Governor, while admitting that the Government was favourably disposed towards the establishment of Post Office Savings Banks, assured him that there were certain practical hindrances in the way of their immediate institution. He re-introduced the subject at the next session of the Legislative Council, on the 19th of Oct., 1881.]

SPEECH ON THE PROPOSED REVISED CODE OF EDUCATION FOR 1881, AND THE GRANT-IN-AID-SYSTEM.

(6TH OF DECEMBER, 1880.)

On the 20th of October, 1880, the Hon. MR. JOHN DOUGLAS (Colonial Secretary) moved that it was expedient that the Educational grant for the year 1881 should be made in accordance with the provisions of the Revised Code for Aided Schools prepared by the Director of Public Instruction, and said that, if his motion were accepted by the Council after due discussion, he would move the Council to go into Committee of the whole house, in order to consider the petitions addressed to the Legislative Council and to have the explanations of the Director of Public Instruction.

MR. RAMANATHAN moved by way of amendment that, instead of the Council going into Committee, the Revised Code be referred to a Select Committee, or a Sub-Committee, with power to examine witnesses. This proposal was supported by all the unofficial members and by two of the official members, viz., the Auditor General (Mr. Ravenscroft) and the Government Agent for the Western Province (Mr. F. R. Saunders)

On a division being called for, MR. RAMANATHAN'S amendment was carried by 8 against 7. A Sub-Committee was then formed, with MR. RAMANATHAN also as one of its members, to consider and report on the Code to the Council.

The Government desired to restrict the multiplication of rival schools in populous districts and to raise the number of days of average attendance in grant-in-aid schools. As all educational bodies were interested in the expansion of the grant-in-aid-system, the subject became a burning question of the day.

As soon as the report of the Sub-Committee was brought up before the house on the 6th of December, the debate on the subject was resumed. MR. RAMANATHAN spoke of the undesirability of restricting the operation of the grant-in-aid system and moved an amendment on the high average attendance required by the Code

MR. RAMANATHAN said:—

In rising to move an amendment, allow me, Sir, first to express my best thanks to yourself and the Lieutenant Governor especially, and generally to other Hon. members, for according to me the honour of a special sitting. I have always taken a deep interest in the cause of education, and I gratefully acknowledge the readiness with which the Hon. the Lieutenant Governor proposed to me the desirability of calling a special sitting for this day in view of my intended departure from Ceylon to India.

The motion before the Council involves one of the most important subjects which has come before it during this session. The enforcement of the principles embodied in the Code will undoubtedly alter the educational system of our Colony, some say for good, others say for evil, and others still say that it will work a calamity. Before I state the terms of my motion for amendment, I wish to state my views on the code.

Nothing is more universally admitted than the principle that the Government should provide for the education of the masses. It cannot for generations to come give them anything like culture, but what is expected of it is to instruct them to the extent of enabling them to take care of their own interests in their own stations of life. This was plainly the aim of our past rulers.

The *Pansala* education of the Sinhalese districts was a copy of the *pâthasâla* system indigenous to India with which we have been made familiar by Sir George Campbell. In the Tamil districts there was a corresponding institution in the school of the hereditary village teacher. The education imparted in these institutions was by no means high or liberal. It was elementary and adapted to the necessities of village life. It is well described in the report of the Director of Public Instruction in Bengal. He says:

"It was not education at all in the proper sense of the word, but rather instruction in some of the most necessary arts of life. The pupil learnt writing and arithmetic. He learnt writing, not that he might enlarge his mind or delight his leisure by reading, for books were unknown to him. He learnt that he might be able to address his landlord or his father-in-law in the set style that had been confirmed by the usage of centuries. Arithmetic is always and necessarily a practical art. But the arithmetic of the *pâthasâlas* was so eminently and intensely practical that it neglected everything that had not immediate reference to the daily concerns of a villager's life."

The Sinhalese and Tamil peoples of this country always set store by education of this kind. It is mentioned of King

Vijaya Bahu III, who reigned in 1240, that he established a school *in every village* and charged the priests who superintended them to take nothing from the pupils, promising that he would himself reward them for their trouble. Such was the policy of enlightened Sinhalese sovereigns, the policy of bringing free education to the very doors of the people. The Dutch pursued the same policy. Pridham, speaking of education during the time of the Dutch, records as follows:—

"A school was erected *in every parish* through the maritime provinces where Dutch rule extended. Each school had from two to four teachers, in proportion to the number to be taught. Every ten schools were at the same time under the care of a superintendent, who examined alike their proficiency and the conduct of the teachers. There was likewise an annual visitation by the Dutch clergy, each of whom had the schools in a particular diocese committed to his charge."

After the arrival of the English in 1796, this vast net-work of schools fell into decay, because the salaries of the masters and catechists were left unpaid for several years. Governor North tried to revive the system, but he received no help from the Home Government. In 1831, however, a Commission of Inquiry was appointed to report on the state of education in Ceylon. In that report, the few schools which survived the neglect of the Government are described as "extremely defective and inefficient, and the control exercised insufficient to secure the attendance either of the masters or of the scholars; many abuses prevail and the Government schools in several instances exist only in name."

To place the education of the country on a more efficient basis, a School Commission was appointed in 1834, and grant-in-aid rules were first introduced in 1841, but they were applicable only to English schools. In 1858 Missionary schools were expressly excluded from the benefits of the grant-in-aid rules, and it was not till 1861 that those rules were revised so as to admit the giving of grants to all schools impartially. Under this system, schools have cropped up in every direction, widely diffusing elementary knowld

The question now is, is this grant-in-aid system to be restricted? Is the time come for limiting its extension? I think not,—not to the extent proposed by the Director. The wealthier classes of Ceylon, absorbed in their own pursuits, do not think of the educational wants of the poor, nor are the labouring classes sensible enough or able to help themselves. It is therefore the duty of the Government to urge the masses to educate themselves and also to contribute largely and freely to the cause of such education. The circumstances of the Colony permit of such education mainly by means of small schools, and the withdrawal of the grants from such schools will seriously affect the educational opportunities of the people. An attempt of this kind to restrict the operation of the grant-in-aid rules was made in India some years ago, but Mr. Arbuthnot, the then Director of Public Instruction in the Madras Presidency, opposed it firmly. He said:—

"It is not probable that, for some time to come, the wealthier classes will sufficiently appreciate the duty which devolves on them of contributing to the instruction of their poorer neighbours to make any pecuniary sacrifice for this object. Still less is it probable that the labouring classes, whether cultivators of the land, or petty traders, or artisans, will form associations among themselves for the purpose. Even in England, where the advantages of education are far more generally appreciated than they are likely to be in India during the life time of the present or indeed of the next generation, it is only by the agency of large societies deriving their main support from the subscriptions of the wealthier sections of the community, and by the efforts of individuals belonging to the upper and middle classes, that the present system of national education is maintained. It is by the National Society and the British and Foreign Society, by the subscriptions of the squire and the clergyman of the parish and a few of the principal farmers in the rural districts, by the owners of factories and the thriving shop-keepers in the towns—not by associations of labourers,—that the national schools of England are enabled to meet the conditions on which aid is granted to them by the state. There, it was not till the blessings of education had been known and

valued by the upper and middle classes for centuries, that the duty of meeting the wants of the lower classes was practically admitted. Here, where the commencement of educational operations among any class is a matter of comparatively recent date, it is not to be expected that what it took so many years of high civilization and enlightenment to accomplish in England, will be brought about at once."

Mr. Arbuthnot accordingly recommended that no measure should be adopted which would be incompatible with the extension of the grant-in-aid system. In matters of education, the Madras Presidency is far ahead of us. The arguments of Mr. Arbuthnot therefore apply *a fortiori* to Ceylon.

The policy of the present code is to reduce the number of schools, where superabundant, in the hope—for there is no certainty—of creating larger schools. I admit that larger schools, with a good teacher, regular attendance of pupils and good discipline, are more efficient for purposes of education than small schools. But the hope of the Government to create large schools may prove to be a vain hope. The Director of Public Instruction, for whom personally I have high respect, does not appear to have taken note of the circumstances of the Island. His attempt to develop small schools into large schools would retard the course of education. What is immediately required is a net-work of small schools throughout the country. It will take years for a small school to become a large school as there is no compulsory education in Ceylon. The people of this country do not appreciate education so greatly as to send their children to distantly situated large schools. Even if they appreciate education, they are too timid to trust their children all alone so far.

I think the high average attendance insisted upon in the code is too great a strain on the country. It involves an increase of 150 per cent more or less on the old average attendance. Why adopt suddenly such a drastic change? The Director pulls one way, the managers of schools another way. The Council would find a safe rule in the mean. I propose to reduce the average attendance in towns, in the

case of boys' schools, to 40; in the case of girls' schools to 20; and in the case of mixed schools to 30; in villages to 25, 15 and 30; and in C schools to 12, 18 and 12 respectively. The last amendment affecting C schools was proposed in Sub-Committee by my hon. friend, the member representing the general European interests (Mr. Mackwood), but was not pressed. On reconsidering the subject, I agree with my hon. friend in the necessity of amending the attendance in C schools also.

If I lose my motion in Council to day, it may become necessary for me to consider whether I ought not to protest against the decision of the Council, for I feel that no substantial reasons have been given for withdrawing Government support from small schools to the extent proposed. While in Sub-Committee, the Director was called in to furnish information, and his narrative of the frauds and irregularities committed by the teachers created a profound impression in the minds of certain of the members of the Sub-Committee, but it fell flat on me,—(laughter),—because I knew that no legitimate argument could be built on it in support of the theory of the Director that large schools ought to be strengthened and small schools suppressed. I have seen the Director since the sitting of the Sub-Committee and put to him pointedly the question by whom were these frauds and irregularities committed? He complained of the teachers under the American Mission of Jaffna. I asked him, what about the other educational bodies? He said such cases were very rare in the Baptist, Church of England and Roman Catholic, schools. Of the Wesleyan Mission he said that there were many cases in Jaffna, but rarely elsewhere. If you thus analyze the charge of frauds and irregularities, the charge is made out only against Jaffna. Is it proper to revise the general rules of the Department simply because frauds and irregularities were practised in Jaffna? It is thus clear that the high average attendance of the Code cannot be made to rest on frauds practised in Jaffna. If there is not this reason, what other reason is there for the

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high average attendance? Only the *hope*, and not the certainty, of creating large schools. I have already shown that the present circumstances of the Colony will not allow of the realization of that hope without seriously imperilling the opportunities, few as they are, which the children of Ceylon have for picking up some learning. I therefore move an amendment as follows:

"That, in substitution of the list of average attendance given under clause 20 (c), the following list be adopted:

A.	(In towns,)	in a boys' school ...	... 40
		in a girls' school ...	... 20
		in a mixed school ...	... 50
B.	(In villages,)	in a boys' school ...	... 25
	,,	girls' ,, ...	... 15
	,,	mixed ,, ...	... 25
C.	(In schools in C class)	in a boys' school	... 12
	,,	girls' ,, ...	... 8
	,,	mixed ,, ...	... 12"

[On a division, this motion was lost.]

SPEECH ON POST OFFICE SAVINGS BANKS.

(19TH OF OCTOBER, 1881.)

The importance of establishing Post Office Savings Banks in different parts of the Island was considered by MR. RAMANATHAN to be so great that, he felt it to be his duty, in spite of the Government opposition in November, 1880, to resume the fight for their introduction.

On the 19th of October, 1881, he moved for a return shewing the number of deposits made during the last five years in the Kachcheri branches of the Ceylon Savings Banks, and asked when the Government intended to give to the inhabitants of the principal towns of Ceylon the boon of Post Office Savings Banks.

MR. RAMANATHAN said:—

At the last session of this Council, nearly twelve months ago, I moved that it was desirable, as a means of promoting thrift amongst the Ceylonese, that post office savings banks be established in the leading towns of Ceylon, and that the Government do introduce these banks at as early a date as possible. On that occasion I pointed out what the condition was of the Sinhalese and Tamils under their monarchs, and how the advent of the British Government, with its three-fold gift of equal laws to all, security of life and property, and freedom of action and speech, had crumbled the stagnating influences of caste and creed and urged forward the spirit of enterprise amongst the natives. I also pointed out that this awakening of the Ceylonese from the lethargy of past ages had resulted in the formation of a class of moneyed men, whose interests, I said, that motion did not seek to touch. My motion, I said, had in view the welfare of the "working" classes.

Since the introduction of that motion, I have been able to ascertain from the census returns of the Registrar-General what proportion of the population of Ceylon might be attracted by the advantages to be offered by the post office savings bank. The census returns show that the "professional" class averages 1.2 per cent, the "commercial" class 5.3 per cent, the "agricultural" class 23.7 per cent, and the

"industrial" class 2.8 per cent of the entire population of Ceylon. The total of the working classes may therefore be said to be a little over 30 per cent of the Ceylonese. In other words, they number as many as 750,000 souls. Of this number one-tenth may be assumed to be naturally thrifty, which would leave 675,000 persons to be brought under the reforming influence of the savings bank. I should say about 50 per cent of this number sink their savings in gambling, drinking and litigation. Is it not the duty of the Government to do all in their power to see to the well-being of so large a number of the people of Ceylon?

Last session, I was obliged to withdraw my motion, because your Excellency, while admitting that the Government were favourably disposed towards the establishment of Post Office Savings Banks, said there were certain practical hindrances in the way of their immediate institution. But from a passage which occurs in the report, recently laid on the table, of the Postmaster-General, it would appear that those practical hindrances exist no longer. He says:—

"I regret that circumstances have retarded the introduction of a Savings Bank to be worked in connection with this Department. To encourage thrift and afford improved facilities for putting by small sums of money is, I consider, a measure of such great importance that I am most anxious to commence operations at the soonest possible date. I notice each year that the interest which the Sinhalese take in this Department is increasing very rapidly, and I shall be more than ever anxious to push my way still further into the rural districts, especially those of the Western Province, when I know that every little office will be able to offer inducements to the village to lay by ever so small sums of money.

"The speeches, writings, and successful labours of the Imperial Postmaster-General in furtherance of thrift have been brought so prominently before the British public in all parts of the world, that I feel how needless it is for me to write further on this interesting subject. I hope that in the course of another year the Ceylon Post Office Savings Bank will be in operation."

I was sincerely glad to read this announcement, but I wish to be assured by Your Excellency that it has the sanction of the Government. As to the return I move for, Your Excellency said last year, as if justifying the postponement of the establishment of these banks, that the "Ceylon Savings Bank" had 7,700 depositors, and that there were many depositors in the various Kachcheri branches of the Ceylon Savings Bank. The return, if supplied, would enable the Council to judge for itself to what extent the Kachcheri branches have been utilized.

[The Lieutenant Governor laid on the table the return moved for, but he said that the Government was not prepared to establish Post Office Saving Banks at present, because while, in an outstation Kachcheri, there was a responsible man to receive the money and see that the money was deposited and that it went to the fountain head, and while the money was paid there to one man, another checked it, and a third saw that it went straight to the Savings Bank, there was no one in the local Post Office, to check the deposit made in the Post Office, that it was not fair to place a heavy financial liability on postmasters receiving say Rs. 20 a month, and that unless the Government was able to have a proper organised check it would not be possible to save the outstation postmasters from temptation.]

MR. RAMANATHAN replied as follows:—

Sir, I regret to hear the reply of the Hon. the Lieut-Governor. The Government, I am assured, are perfectly sensible of the importance of promoting thrift and other social virtues in this colony; and they have been told, in pointed terms, by my hon. friend on the right, the Sinhalese member, (Mr. Albert de Alwis) that the institution of post office savings banks would have a direct bearing upon the suppression of crime. Government are aware of this and other things, but Government are not aware that it is their duty—a paramount duty they owe to the people of Ceylon —to do all in their power to help the non-intelligent masses to avoid improvident habits and to do what is right and useful in life.

The Lieut.-Governor is content to remark that there are 2,896 depositors in outstations. He is happy with such a state of things, but I am not; and I fully believe that this side of the House will never be happy with such a state of things. I went into facts and figures and pointed out that no less than 675,000 wage-earners, are still unable to find

facilities for the practice of thrift. The motto of Englishmen is said to be *self-help*, and it is also said that we natives are so unable to manage our own affairs that we require a grand-motherly government. While the Postmaster-General in England is devising means monthly and almost daily to ween the self-helping Englishmen from improvident ways, we, natives under this grand-motherly government, are not to be helped at all. If men having greater powers of self-control than we have, require so many aids to thrift, why should not our countrymen be favoured with even a fraction of that aid?

I have not asked for penny banks, or postal saving cards, but I only ask for post office savings banks in the leading towns of Ceylon. I do not want the Government to establish them in every petty village. The terms of my motion are very clear. I said I wanted those banks in the principal towns of Ceylon. I ask how many principal towns there are in Ceylon? Are not the Government prepared to give my countrymen the limited boon I have asked for? It is true that postholders in petty villages are poorly salaried, and I do not want small village postholders to be exposed to the temptation which the Lieut-Governor has alluded to. But no harm surely could come if postholders in the principal towns were allowed for a while to be custodians of the monies deposited. They need not have the moneys in their hands for a long time. They might render daily or weekly accounts, as suits the Postmaster-General. The Lieut-Governor spoke of organized checks and said that unless a system of organized checks could be enforced upon these postholders, such an institution as I advocate could not be established. He also stated that he did not know when this checking system could be introduced. In other words, he has said that for an institution which he himself admits will have a good influence upon the people, my countrymen will have to wait till doomsday.

Another reason put forward is that the investment of the moneys deposited in the Savings Bank and now amounting to one million rupees odd have been lent out on mortgage of

private property, and that by the introduction of the post office savings banks, all these moneys would have to be re-invested on government security. My motion does not contemplate this change. I would leave the Ceylon Savings Bank intact. My object is to have post office savings banks working independently of the existing Ceylon Savings Bank.'

I understood the Hon. the Lieut-Governor to say that the Kachcheri branches of the savings bank are doing good work. As I have already said, I cannot agree with that opinion. I believe there are about 17 kachcheries, whereas there are more than 40 leading towns in Ceylon. It does not matter to me whether the system is worked in connection with the kachcheri or with the post office, but I only want that the present system should be extended to a much larger extent. If the Government would be prepared to add 25 or 30 towns more to the existing number, that would be some benefit to the colony. As it is, I must repeat what I stated once before in Council, that the Government see their way somehow to spending large sums on undertakings which no one admits to be of general use to the colony, but where the true interests of the colony are at stake, the Government find difficulties and are thus gravely wanting in their duty to the people.

SPEECH ON THE CONSTRUCTION OF THE NEW LUNATIC ASYLUM AND THE CONDUCT OF THE GOVERNMENT TOWARDS THE LEGISLATIVE COUNCIL IN RESPECT OF IT.

(2ND OF NOVEMBER, 1881.)

On the 2nd of November, 1881, the Hon Mr. (afterwards Sir,) W. W. MITCHELL, the European Mercantile Representative, moved that a Commission of Enquiry be appointed to consider the plans of the new Lunatic Asylum, and report how far the portions built could be adapted to the purposes for which the structure was designed; that the said Commission be empowered to communicate directly with the Commissioners of Lunacy in England and with Indian and local authorities on lunacy, to obtain the information that may be desired, and that all papers connected with designs, and estimates for the construction of a new lunatic asylum, together with any reports from local medical officers, be laid upon the table.

The subject brought up for discussion involved complicated facts and important constitutional principles, to which ample justice was done by Mr. Mitchell. In the course of his speech he said:—

"The plans, it was stated, had been submitted to the Secretary of State and then altered, and afterwards fresh plans were substituted. The Council does not appear to have been consulted on the matter and the plans were never submitted to the Council, and although approved in England, they were not approved here. What I have to deal with at the present moment is the fact that, for the construction of the Lunatic Asylum on plans laid before the Council and the Sub-Committee on the Supply Bill, money had been voted on these plans. I would ask how money was paid by the Treasurer for the erection of buildings totally different in estimates and in plans to that sanctioned by the Council. Had the plans been submitted to this Council and fresh votes been taken, all might have been well. As it is, there has been a great infringement of the privileges of this Council and one that unofficial members would do very wrong to sit quiet under. Our privileges are not many, and such as we have should be guarded with jealousy. If a stop is not put to this kind of thing, there is no saying to what purposes the money voted might be applied."

MR. RAMANATHAN said:—

The motion of my hon. friend speaks of the adaptation of the present buildings for the purposes for which the structure was designed. It thus raises two important questions: firstly, for what purposes was the new lunatic asylum designed, and secondly, has it failed to answer those purposes?

I am glad this motion has given me the opportunity of reading up all the connected papers, and of forming an

opinion for myself on the subject. So much had been said about this measure outside this Council, that I admit I came to it with a great deal of prejudice against the Government, but it was my good fortune that prompted me to write to the Government for the despatches which passed between the local Government and the Secretary of State. After reading those despatches carefully, after reading the proceedings in Council, after reading what has transpired outside Council, and after reading every explanation put forward on the part of officials and unofficials, I can conscientiously say that the Government cannot be blamed for arriving at the decision they did. Had I the chance of consulting my brethren on this side of the House, I should certainly have brought to their notice the facts I had collected from the despatches of the Secretary of State and the local government, but I was unable to meet them. As Your Excellency may be aware, I sent for the despatches only last evening, and had a few hours only for reading the papers, and early this morning I had to return them to the Lieut.-Governor. After returning them, I was occupied the whole day till I came into Council. I did not meet any of my unofficial brethren in the interval.

Although I absolve the Government from the imputation of blundering, I still think that the Commission of enquiry asked for might be granted for the purpose of considering and reporting whether the portions constructed on the pavilion system might be adapted and utilised in the best way possible for the largest number of patients. In the circumstances of this case, while there is so much diversity of opinion on the merits of the lunatic asylum as it stands now, the real question is, ought the public, whose monies we have expended and are going to expend, be given or not the satisfaction of judging for themselves, on the independent testimony of a Commission, whether their monies had been, and will be, judiciously laid out or not?

To come, Sir, to the question raised by the Hon. the mercantile member: a consideration of the history of this institution will afford, I think, a sufficient answer. It will

shew how the Government have behaved towards the public, and how they have behaved towards the Legislative Council.

It would appear, Sir, that the unsatisfactory state of the Borella asylum had been repeatedly brought to the notice of the Government, and the Legislative Council was so impressed with the necessity of altering the existing state of things that they voted, in 1875, Rs. 40,000 for the purpose of adding to and otherwise improving the Borella lunatic asylum on an extensive scale. But those alterations could not be carried out, from the inherent defects of the establishment. The old asylum was not built on an elevated foundation, the drainage was bad and there were other serious defects, so that it was impossible to spend the Rs. 40,000 on it with any degree of usefulness. After the session of 1875 was adjourned, the then Governor, Sir Wm. Gregory, visited Calcutta, and was struck, as he says in his despatch of 26th September 1876, with the plan of the lunatic asylum partly carried out in Bengal by Dr. Payne. A plan was furnished to Sir Wm. Gregory by Dr. Payne, and it had the full approval of the Principal Civil Medical Officer of this Island. The approximate cost of that asylum was to be Rs. 350,000. It was intended to accommodate 416 patients. at the rate of Rs. 840 per head, but the Director of the P. W. D., it is well to note, reports that the rate per head would have been not Rs. 840, but Rs. 1185. Sir Wm. Gregory forwarded the plans to the Secretary of State, and asked for his sanction in order to be able to begin the work. The Secretary of State called upon the Commissioners of Lunacy to report upon the plans he had received. They did so in their letter of 28th November, 1876. They thought that the form and treatment of the *octagonal* plan sent by Sir Wm. Gregory partook more of the character of a prison than of a Lunatic Asylum, and they freely criticised it. In this criticism of the Commissioners, they say they were assisted by their consulting architect.

Sir William Gregory retired in May 1877 from Ceylon. Immediately before his departure, the then Lieut.-Governor (Birch) wrote on the 6th of April 1877, to the

Secretary of State, enclosing a letter from the then P. C. M. O., urging upon the local Government the absolute necessity of pressing on the building of the projected asylum. The Secretary of State replied by telegram on the 23rd April as follows:—"Lunatic Asylum plans unsuitable in many respects. Commencement should be delayed."

Your Excellency soon after assumed the command of the government, and a despatch, dated 27th June 1877, was received by you. Lord Carnarvon was then the Secretary of State. He objected to Sir William's plan both in principle and detail, and asked Your Excellency's attention to a "draft despatch" which he had intended to send to Sir William Gregory, but which he did not send to him in view of his approaching retirement. The "draft despatch" is a most important document, and throws a great deal of light upon the merits of the *octagonal* system, and the merits of the *pavilion* system. This "draft despatch" calls Sir William Gregory's attention to a copy of the letter and memorandum respecting the plans with which the Secretary of State had been furnished by the Commissioners in Lunacy, and it says that the Secretary of State, having duly considered the criticism of the Commissioners, has supplemented their report "by a few observations based on the recognized principles of sanitary construction in the tropics." After this declaration, we cannot charge the Secretary of State with having failed to take note of our local tropical wants. He then proceeds to discuss the merits of the octagonal system. The octagonal system, it would appear, was recommended by Sir William Gregory, owing to the facilites it offered for supervision and administration. But the Secretary of State writes that the supervision cannot be completely maintained unless the building had every facility for inter-communication. He seemed to think there was not sufficient inter-communication in the octagonal plan to admit of supervision. This objection, he said, gained force from the proposal to surround the central block with a circular colonnade, which would bar supervision on every side,

especially on the side of the asylum. The Secretary of State goes on to say that, in the octagonal scheme, it was impossible to secure for all, or even a portion of the blocks, a proper aspect and exposure to the winds. He observed:—

"In the present case, the blocks have been designed with verandahs on one side only, that facing inwards towards the centre of the octagon, and the result is that in the case of one block only is the verandah on the proper side of the building—all the other blocks have their walls more or less unprotected against the sun."

There were also objections to certain details. In Sir William Gregory's plan, there was no night latrine available under cover; the cubic space allowed to the infirmary was insufficient; the attendants' room was not connected with the convalescent wards; and there was no room for segregating serious or infectious cases.

These and other objections the Secretary of State remarked would be overcome by the *pavilion* system. It would help supervision. It would admit of perfect classification of inmates. The verandahs could be made to secure a southern exposure, Each block could have full exposure to the prevailing winds blowing from opposite quarters. This "draft despatch" concluded by suggesting to Sir William the advisability of preparing an amended scheme, and embodying in it the important suggestions which the Secretary of State had made—suggestions which, in his words, "dealt more with the principles than with the details of asylum arrangements."

On the receipt of this despatch, Your Excellency appears to have given the necessary instructions to the Director of Public Works to design plans on the pavilion system. The plans were prepared. Dr. Kynsey did not object to the plans, but offered a few suggestions which did not touch the principle of the plans. If Dr. Kynsey believed that the plan was bad, and had opposed the plans at that time, as he had a right to do, being Principal Civil Medical Officer, it would then have been wrong on Your Excellency's part to have

recommended the pavilion system in the unqualified manner in which you did. Dr. Kynsey, though head of the department, did not condemn it. He said if the Secretary of State had agreed to the plans, he (Dr. Kynsey) would suggest certain alterations and additions, which were altogether a matter of detail, and which Your Excellency thought could be easily carried out. Dr. Kynsey's recommendations, and the plans and observations of the Director of Public Works, were forwarded to the Secretary of State under cover of your despatch dated 7th Sept. 1878. In the file is Capt. Ommaney's report on the new plans. He strongly approved of the building. The Secretary of State, Sir Michael Hicks-Beach, after satisfying himself on all points, communicated to you his entire approval of the plans, and that was in November 1878.

The case now stands thus: certain doctors—and they are all eminent experts—recommend the pavilion system, which has also the approval of the Secretary of State. The Governor of the colony has plans designed on the basis of that system, and submits them to the criticism of the Principal Civil Medical Officer, who virtually approves of them. It now transpires that certain other doctors—indeed only one doctor, so far as I have heard—and that a doctor occupying a subordinate position in the service—disagrees with the other doctors and condemns the plan. What is this but an example of the eternal disagreement between learned doctors?

The buildings are half finished, and the Council at this stage is asked to decide which of these doctors is in the right. The Council is not proficient in medical science, much less in the special branch of lunacy, and how then can we take upon ourselves the responsibility of saying that the Secretary of State and the eminent doctors who advised him are wrong, and that the local authorities—rather a local authority—is right? So far with reference to the question how the Government has behaved towards the public.

I have yet to refer to the question how the Government has behaved towards the Legislative Council. I am afraid

the Legislative Council has been very shabbily treated. The Council examined Sir William Gregory's plans and approved of them, and voted Rs. 40,000 in 1875. It afterwards, in 1876, voted Rs. 80,000 on account of the new Lunatic Asylum on the octagonal plans, and the sub-committee appointed to report on the contingent service for 1877 said:—

"The sum of Rs. 80,000 is placed on the estimates, as a vote on account, for a new Lunatic Asylum for Colombo. The plans, which are upon an Indian model, have been submitted to the sub-committee, and the premises promise to be a great improvement on the very indifferent accommodation at present provided for the unhappy inmates."

The Indian or octagonal plan was altered for the Pavilion system. When you, Sir, referred to this amended plan in your address to the Legislative Council of 11th September, 1878, you did not promise to lay the plans upon the table, as Your Excellency was bound to do, but Your Excellency simply said, after explaining the delay in commencing the work,—"The new plans have been submitted to the Secretary of State, and when approved the building will be begun without delay." Your Excellency made it appear that the Secretary of State was everything in Your Excellency's eyes, but that the Legislative Council was nothing at all in your eyes.

Sir, in a matter of this kind, where we only have the power to vote the moneys, and none else, it was the duty of the Governor to try and ascertain the opinions of members of this Council, especially the unofficial members, on the advisability of altering the plans. You ought to have laid the plans on the table, and have courted their opinion. If Your Excellency had done so, all this annoyance and acrimony would not have risen. If Your Excellency would only consistently seek the advice of the members of this Council, and would act up to it in your discretion, Your Excellency would be held in the lasting remembrance of this Council, as some of your predecessors are, up to this day.

To pass on: though Your Excellency said that the plan had been altered and was submitted to the Secretary of State, and when approved the buildings would be begun at once, the sub-committee of the day, in their report of the 18th September 1878, simply replied as follows:—

"They are glad to hear that the building of the Lunatic Asylum will be begun as soon as the plans have received the approval of the Secretary of State."

I must condemn the sub-committee who reported on that bill. The sub-committee might have suggested the necessity of the plans being laid upon the table. But they simply contented themselves with saying they were glad to hear that, as soon as the plans had received the approval of the Secretary of State, the buildings would be commenced at once.

Now, sir, trying to consider the question in an impartial way, my conclusions are these: Your Excellency was right in approving and recommending the pavilion system, but Your Excellency did wrong in not laying the plans before the Council and soliciting its opinion thereon. I go further and say that the sub-committee of that day also did wrong, for, by their inertness or indifference, they missed the chance of bringing the Government to a sense of its duty to the Legislative Council.

Having shewn how the Government have treated the Council, it remains to consider whether the commission might be granted. I have no doubt Your Excellency will exercise your best discretion as to granting the commission asked for. At the same time, I am free to point out what may happen if the commission were granted. Supposing the commission is granted, and they make inquiries, and find reason to condemn, from the evidence before them, the whole of the pavilion, is all the pavilion to be broken down? Is further money to be thrown away on re-building according to the plans which might be recommended by the commission? My hon. friend says it is not for the destruction of the building, but only that portion of the building may be adapted for the

purposes for which they were constructed or designed. If the commission recommend the octagonal system, how could the pavilion buildings be adapted to such a system? I see, sir, many difficulties in the way of a commission being granted with a free hand. The power of the commissioners should be limited to the purpose of reporting how far the portions now built, and hereafter to be built, within the vote might be made useful to the largest number of patients. Such a commission may be granted without the chance of not being too destructive. It would appease hon. members and the public alike.

[The Government agreed to the appointment of a limited commission and explained that it was by an oversight that the plans of the Asylum were not laid before the Legislative Council]

SPEECH ON THE ORDINANCE AMENDING THE MEDICAL WANTS (OF PLANTATION COOLIES) ORDINANCE OF 1880.

(23RD OF NOVEMBER, 1881.)

On the 23rd of November, 1881, the Hon'ble the COLONIAL SECRETARY moved the second reading of "An Ordinance to amend the Medical Wants Ordinance, 1880." It was strongly opposed by all the unofficial members, except the Burgher Member. The second reading of it was passed by a majority of six.

The following is MR. RAMANATHAN'S speech, objecting to the form and principle of the Bill:—

MR. RAMANATHAN said:—

I too, Sir, rise to oppose this bill. The twenty-nine clauses of the Ordinance No. 17 of 1880 evolve two main principles:—(1) that Government should provide for the medical wants of immigrant labourers in certain planting districts, and (2) that an export duty should be levied for the purpose of raising a medical aid fund. The Council passed this ordinance, but the Secretary of State rejected the second principle, the levying of an export duty, and suggested in substitution of it a capitation tax. This ruling necessitated the deletion of a few clauses in the Ordinance No. 17 of 1880 and the addition of other clauses regulating the collection of the capitation tax and the duties of superintendents in reference to that tax. The proper course was to repeal the whole of the mutilated ordinance and propose anew in a fresh bill all the unobjectionable clauses and the other necessary clauses now appearing in the bill before us. Instead of doing this, the Government have chosen to keep the mutilated ordinance and to introduce another ordinance enacting the capitation tax. What is the meaning of this piecemeal legislation?—one principle in one ordinance, and another, part and parcel of the other, in another ordinance?

The spirit and essence of legislation is that it should be handy, convenient of reference. While we have an opportunity to repeal, why don't we repeal the whole of the mutilated ordinance, and give in one and the same ordinance the whole legislation on the subject? Why have not Government adopted this course? I cannot understand the reason of this patchwork legislation.

But it is not only to the form of the bill I object. I object also to its principle. Such an outcry has been raised by the European planters against this bill, that one is likely to forget that there are other interests but those of Europeans at stake. This bill seeks to touch all estate owners owning ten acres and more of land actually cultivated in coffee, cocoa, cinchona and tea. The extent of land under coffee cultivation is estimated at 300,000 acres, under tea 9,400 acres, under cocoa 5,400 acres, and under cinchona 35,000 acres. Of the coffee land, it is thought, 250,000 acres are owned by Europeans, and 50,000 acres by natives, producing respectively, on an yearly average for the last decade (1871-1880), in parchment 706,549 cwt., and in native coffee 103,811 cwt. It will thus be seen that natives possess one-fifth as much land as is possessed by Europeans, and produce one seventh as much coffee as is produced by them. This bill affects the interests of both European and native planters in the proportion I have shewn. I shall not detain the Council with the relative interests of Europeans and natives in the tea, cocoa, and cinchona plantations.

The planters object to a capitation tax, indeed to any tax whatever. So long as they were able to pay, they paid the tax, but now being in distress they have raised the question of justice. Is it just or equitable that the planters should be wholly responsible for the medical wants of the immigrant labourers? This question has to be decided by several considerations. If coffee, cocoa, cinchona and tea planters are to pay a tax, why should not planters engaged in other enterprises also pay a similary tax? I have already shewn that there are about 300,000 acres of coffee. It would

appear that the area covered by coconut plantations is as great, viz., 300,000 acres. It is also estimated that arecanut, palmyra and kitul palm plantations cover about 120,000 acres, and cinnamon plantations about 30,000 acres. Why are not the owners of all these plantations to be taxed equally with the owners of coffee, cocoa, tea and cinchona planters? Is it simply because the owners of coconut, palmyra, arecanut, kitul and cinnamon plantations are not supposed to employ immigrant labour? Granting that they employ for the most part resident labour, do or do not the Government freely provide for the medical wants of the resident labourers? I might be told that clause 27 of the Labour Ordinance imposes upon all masters alike the obligation of attending to the medical wants of their servants. I can only say that that clause is more honored in the breach than in the performance. My own personal experience has been so. Whenever my servants fell ill and my doctor was not at hand, I have asked them to go to the hospital. They were treated and no questions were asked. The same may be said of resident labourers employed under coconut, cinnamon, palmyra and arecanut planters. But whether or not the hospitals dispense relief to them free of cost, why don't the Government force upon coconut, cinnamon, palmyra and arecanut planters a medical scheme and a tax in aid of it? Is it because they employ Sinhalese or other resident labour? Is then the employment of immigrant or other Thamil labour so heinous an offence or so prejudicial to the country as to merit the burden of taxation?

This brings me to my second argument, for I desire to shew that, by the influx of Thamil labour into the colony, the planters, European and native, are able to contribute directly to the revenue a very large sum indeed. Those drawn into Ceylon by the planting enterprise have to be fed and clothed. Rice, curry-stuffs, and cotton goods have to be imported for their benefit. Look at the customs duty. Mine is only an approximate calculation, and I went into it, because I was not content with the general statement that the planting enterprise benefited the Colony. I wished to

ascertain to what extent approximately but *directly* the planters contributed to the revenue. There were imported in 1880, in round numbers, 6,000,000 bushels of rice, and the duty levied thereon at the customs was Rs. 1,740,000. The duty on cotton goods amounted to Rs. 254,000, and the duty on currystuffs Rs. 29,000, making a total of duty on these three articles of Rs. 2,023,000. The question to be ascertained is how much of this duty is due to the consumption, of those articles by those engaged in the coffee, cocoa, cinchona and tea enterprise? The railway carried in 1880 up-country 66,000 tons of rice, equal to about 2,000,000 bushels, at the rate of 164 lbs. to a bag of 2¼ bushels. As the native Sinhalese of the Central Province have home-grown rice of their own, they cannot be said to consume much of the rice carried up by the railway. I think there are about 200,000 immigrant Thamil labourers in the Central Province, and, at the rate of 10 bushels a head for a year, these 200,000 Thamil labourers would, I think, require 2,000,000 bushels of rice per annum, the exact quantity carried up by the railway. But the Census returns taken early this year, I have been informed since coming into Council, shew the Thamil labourers in the Central Province to be about 156,000, in which case there would remain for the consumption of the native Sinhalese about 440,000 bushels, or one-fourth of the rice carried up by the railway. The consumption of rice by Thamil labourers being thus ascertained to be, say in round sum, 1,600,000 bushels, it is easy to find out the amount of the customs duty paid thereon at 29 cents per bushel. The customs duty would amount to Rs. 454,000. From this has to be deducted the proportion of the working expenses of the Customs Department. The total receipts of the Customs Department for the year 1880 amount to R2,928,058, and the expenses of the department, including the staff &c., amount to about Rs. 150,000. The working expenses of the department bear the same proportion to the receipts as 5 is to 100. Taking therefore 5 per cent off Rs. 454,000, the balance of Rs. 431,300 would appear to be the direct contribution of Thamil immigrant labourers in the Central Province to the

customs revenue. Add to this their contribution to the railway receipts. Of the 66,000 tons of rice carried by the railway to the Central Province 50,000 tons, as I have shown, were consumed by the Thamil labourers. The fare for Kandy is Rs. 12.50 per ton, to Gampola Rs. 13·20, to Nawalapitiya Rs. 14.70, giving an average of Rs. 13·50. The fare then for 50,000 tons of rice at Rs. 13·50 per ton would amount to very nearly Rs. 700,000. There were also carried up 6,500 tons of manure, the fare for which at the average rate of Rs. 7 per ton would amount to Rs. 45,500. And there were brought down by the railway 32,845 tons of coffee, which at the rate of, say, Rs. 10 per ton would give Rs. 328,450. I do not want to trouble the Council with the fare for cinchona, tea, &c., or with the passenger fare of the Thamil labourers &c. The railway receipts from the sources I have indicated may be put down as nearly Rs. 1,300,000, from which have to be deducted the working expenses of the railway, including deterioration of rolling-stock &c. These charges have been estimated by the Traffic Manager to amount to 45 per cent of the receipts. Taking off therefore Rs. 585,000 from Rs. 1,300,000, the direct contribution of the planters and the immigrant labourers to the railway profits would be Rs. 715,000, nett. The figures then stand as follows: the Thamil labourers in the Central Province increase the nett income of the Customs by Rs. 431,300, and the nett income of the railway by Rs. 395,000 by their consumption of rice, making a total of Rs. 826,300. And the planters, by paying Rs. 328,450 for transport of coffee and Rs. 45,500 for transport of manure, increase the nett income of the railway by Rs. 373,950. The total of the contribution of the planters and the Thamil labourers together to the revenue of Ceylon thus aggregate a little more than Rs. 1,200,000. Your Excellency will perceive that I have not taken into account the import duty or the railway freight realized for the cotton goods and curry-stuffs used by the Thamil labourers, nor have I considered the revenue derived by the sale of lands to planters, nor the revenue derived from them as stamp duty, nor the many indirect ways in which their capital, circulating in different directions, must of

necessity contribute to the revenue.

Under all these circumstances, will it be difficult to decide the question whether the capitation tax now proposed is fair or not? Is it just that they who contribute to the revenue of Ceylon so large a sum as Rs. 1,200,000 should be asked to pay a tax which they complain will fall heavily on them? Why should not the Government pay out of the general revenue Rs. 150,000 or less for the benefit of the community which enriches the colony directly by Rs. 1,200,000? Sir, these are my opinions on the principle of the bill. They are not new, nor have I trimmed them to catch popular applause. In the very year that I took my seat in Council, I put forward these views, when the Hon. the Colonial Secretary moved in 1879 the bill proposing an assessment tax. This is what I said:—

"The coolies represent labour and the planters capital, and the joint result of these two elements contribute greatly to the prosperity of Ceylon. By the labour of the coolies, the planters are as much benefited as the colony itself. Why should the planters bear all the expense themselves? The Government ought to share the cost of the scheme with the planters. That is nothing but fair."

The then planting member, Mr. Downall, who advocated an export duty, recognised the justice of my remarks in the following passage of his speech, but, all the same, his mind was running on the export duty. He said he was glad to hear the liberal view which the Hon. the Thamil member took upon the subject. "He (Mr. R.) has suggested very rightly that the Government should join the planters in providing medical aid. That is much to the point, and the question has certainly to be considered whether, if the scheme was so expensive and could not be worked by a small duty on certain products, the Government should not come forward, because their interest in the welfare of the immigrant labor of the colony was equal with that of the planters, the prosperity of the country depending in a great extent upon the products of the planters."

This was Mr. Downall's view. The planters, always generous fellows, never knew what was good for them.

So long as they were able to pay, they freely paid, but now they are hard pressed, they have only now come to see the intrinsic merits of the tax. Mr. Leake, their member in 1872, said in Council that he did not object to the bill on the ground of expense, but because the machinery proposed for the collection of the assessment tax was bad. The planters never thought of expense in those days. Well, the Ordinance 14 of 1872 passed through the Council. It worked for a few years, but hard times came on. Then the planters began to feel the pinch of pressure. They asked for a Commission of Enquiry on the working of the ordinance. Its report appeared in due time, and a bill was introduced in 1879 proposing acreage assessment. The Chamber of Commerce opposed an assessment tax and suggested an export duty on produce. Here is its resolution passed in December 1879:—

"That, in the opinion of this Chamber, the proposed Medical Aid Ordinance, 1879, should be abandoned, with a view to the introduction, at the next session of Council, of an amended ordinance, having for its basis a system of Medical Aid altogether under Government organization and control, the necessary revenue being provided by an export duty upon produce."

Mr. Downall, the planting member of the day, also supported an export duty on certain produce. It was then that I suggested the justice of the Government contributing out of the general revenue. Well, the bill of 1879 was withdrawn, and another introduced in 1880, proposing an export duty. On this occasion, Mr. Downall changed his ground, opposed an export duty, and insisted upon an import duty on rice. I objected to this import duty on rice, and said that, as the planters and the Chamber of Commerce had consented of their own accord to an export duty on the produce turned out by them, they should adhere to their resolution and not attempt to tax the poorest part of the population of Ceylon. Such has been the action of the planters. On discussing this subject with some of my countrymen their chief objection, I found, lay in their fear that the coffee enterprise

was doomed, and that, therefore, the general revenue ought not to be burdened with a charge so great. To them my answer was what Marcus Aurelius said to his readers, when he exhorted them to preserve equanimity under all circumstances: "Your child," said he, "is reported to be ill. Why do you get excited? It is not reported that your child is dying." So here, the report is, there is leaf disease in the island, it is not reported that the planting enterprise is dying. Let us, therefore, keep our minds easy as regards the future of the planting enterprise.

ON THE REGISTRATION OF TITLES TO LAND AS A REMEDY FOR NEEDLESS LITIGATION.

(30TH NOVEMBER, 1881.)

To prevent needless litigation the Government of 1863 passed an Ordinance for the registration of title deeds, but it remained a dead letter for fourteen years, and another Ordinance was introduced in 1877 to amplify and amend the earlier procedure. Unfortunately this too was not put into operation though five years had gone by.

On the 30th of November, 1881, MR. RAMANATHAN asked what measures the Government had taken, and if they had not, why they had not taken, to bring into operation, in certain parts of the Island at least, the Ordinance (No. 5 of 1877) relating to the Registration of Titles to Land.

Mr. RAMANATHAN said,—

No one who has the interest of Ceylon at heart, much less no one whose special duty is to ascertain the existence and nature of public evils and to do their best to remedy them, could be without observing the changes which are at present passing over the social morality of the Ceylonese. When one phase of this large question I was led to consider—viz., the growing tastes of the people for gambling and drinking, their scandalous abuse of the authority of the Police Courts and Courts of Justices of the Peace, and the various incentives they have to litigation in general,—I felt the solution of that problem, a fragment though it be of a larger question, was quite worthy of the attempt of any public man in Ceylon. One of the main causes of litigation, often paving the way for gambling and drinking, is undoubtedly the difficulties connected with the possession of landed property. The land cases which arise in our courts are (1) cases in which one's title to it is disputed, (2) cases in which one's boundary lines are questioned, (3) cases in which some interest, such as planter's share, lease, servitude and the like, is claimed, and (4) cases in which a partition of lands held by co-heirs is prayed for. By far the largest proportion of these cases

are cases in which titles and boundary lines are contested. I do not wish to detain the Council with an examination of the causes which have led to these disputes, but I may mention they are mainly due to the constant sub-division of property, whether by will or operation of law, among the descendants of the original owners, and also to the ignorance, neglect or slovenliness of the notaries who fail to give definite boundaries to the lands mentioned in the deeds executed before them.

When issues arise in courts as to title and boundaries, they depend, of course, on oral testimony or documentary evidence. Oral testimony, I need not say, opens the way to much fraud and perjury, while documentary evidence is often liable to perversion, for deeds affecting one land are made to do duty for another land of the same name in the same village. In 1880, there were for adjudication in the District Courts of the island 5,364 cases, and in the various Courts of Requests 30,882, making a total of 36,246, which gives about 100 cases a day. How many of these are land cases? The Secretary of the District Court of Colombo tells me that, of the institutions in the Colombo District Court, 50 per cent may be put down as land cases. The District of Colombo takes, I believe, the foremost rank in the island for commercial transactions. If then, in this district, the proportion of land cases to other cases be about 50 to 100, the proportion in other districts must be vastly in favour of land cases. If the Government could only make titles certain and boundary lines clear, about 50 per cent of the litigation of the country in our civil courts would go down!

How is this to be done? The first thing to secure is a map of the country on a scientific basis. Hon. members who like myself are not conversant with the details of surveying may be interested to hear what Mr. Markham says, in a statement he laid before Parliament, exhibiting the moral and material progress of India during the year 1872-73. I shall read only so much of it as will throw light on the question in hand. Mr. Markham says:—

"It was not until the end of the last century that a

trigonometrical survey was generally allowed to be the *only* accurate basis for mapping a country. General Roy began the trigonometrical survey of Great Britain in 1784, and British India was very little behindhand. Her forwardness was due to the zeal of an individual officer. In 1800 Major Lampton proposed a mathematical and geographical survey of the peninsula, and the measurement of an acre of the meridian. He said: "Trigonometrical surveying is divided into three distinct branches. First, *the selection of sites for base lines* to form the ends of ranges of triangles, their setting out, and their measurement with the utmost accuracy. The base line becomes the side of a triangle, the length of which is thus known, and by trigonometry the distance of other points visible from its extremities can be ascertained through angular observations with suitable instruments. Second, *the construction of the range of triangles,* which is done by ascertaining the position of selected points of the earth's surface by angles taken at first from the ends of a measured base line and then carried on from point to point in succession, so as to form a network or series of positions, fixed by this triangulation along a belt of country . . . . . Third, as a further check to the triangulation, *astronomical observation for latitude and longitude are taken at selected points.* The first fixed position or point of departure of the Trigonometrical Survey of India, when it was commenced in 1802, was the Madras Observatory."

On the basis of this trigonometrical survey must be made a cadastral survey, showing the exact boundaries of villages, gardens and fields and their respective areas. If these surveys could be made, and titles and boundaries inquired into and registered, Ceylon would have reason to congratulate herself. This was precisely what Your Excellency's predecessors thought. After many an attempt on their part, the Ordinance No. 8 of 1863 and an amendment of it—No. 3 of 1865—were passed, which had for their object (1) the registration of good titles, and (2) the registration of deeds. That part of the Ordinance which referred to the registration of good titles has not been brought into operation to this

day, though the clauses affecting the registration of deeds have been; but with what effect, without a cadastral survey? This is what the Hon. Mr. Cayley said:—

"In the absence of a cadastral survey, it is questionable whether the registration of deeds has not done more harm than good. This has arisen from the extreme difficulty of identifying lands by the various descriptions given in the title deeds."

And Mr. Cayley gives a very apposite illustration of the truth of his remark. Things remained in this wise till 1876, when Sir William Gregory addressed the Legislative Council, as follows, in his opening speech of 13th September 1876:—

"This Ordinance amends the Registration Ordinances of 1863 and 1865 so far as relates to the registration of titles, as distinguished from the registration of deeds. That part of the Ordinance No. 8 of 1863, which provides for the registration of deeds, came into operation on the 1st January, 1864, but the most important part of that Ordinance, and of the amending Ordinance No. 3 of 1865, namely, that providing for the registration of titles, has never yet been brought into operation. It appeared to me that this part of these Ordinances required some alteration before it could be worked satisfactorily. The principal points upon which the old Ordinances are altered are these:—

"(1.) For the purposes of registration, titles are divided by the new Ordinance into two classes—1st class and 2nd class.

"(2.) All disputes are settled by the registrar subject to appeal to the Supreme Court, instead of being sent to the District Court. This will much simplify and shorten the procedure.

"(3.) The registration of deeds relating to land is made compulsory; that is, they are made altogether void unless registered within a month from the date of execution. By the existing law such deeds only lose priority by non-registration.

"(4.) For the future all tacit hypothecs and legal mortgages, *i. e.*, mortgages not created by deed or will, are

abolished, except such as are created by an order of Court, or by statutory enactment.

"The disadvantages of the non-registration of a title are so great, that such registration will be practically compulsory. This renders it necessary to have titles registered as of two classes. A title of the first class is such a one as a willing purchaser would accept; but many persons who are in *bona fide* possession of their land will be unable to make out such a title; and yet it would be hard to deprive them of the advantages of registration or subject them to the disadvantages of non-registration. Indeed, if there were no provision for registering bad titles as well as good, the influence of the Ordinance in the prevention of litigation will be much impaired. Accordingly, provision is made for registering defective titles, when there is actual and *bona fide* possession; such titles being called titles of the second class. A title of the second class, after a certain number of years without any action having been brought against the holder, becomes a title of the first class.

"There are several other minor additions made in the new Ordinance to meet some of the principal difficulties with which this most important subject is beset. When the consent of the Secretary of State is obtained, I shall lay the correspondence on this subject before you."

Mr. Cayley introduced the bill in a speech which must always remain a gem in the *Hansard* for that year, and in due time it was passed. That Ordinance was No. 5 of 1877. Five years have passed since then. What has the Government done? Why have they not brought the Ordinance into force, an Ordinance of such vast importance to the community at large? Has a cadastral survey been made? If made, in part at least, why have the Government not introduced the Ordinance in the district so surveyed? I see no difficulty in the way of the working of the Ordinance. Everybody's interests are protected by it. Wherein lies the difficulty? Sir, the country will owe you a heavy debt of gratitude, if you begin at once to enforce this Ordinance, which has for its object the abolition of the curse of the country, viz. litigation.

[The Hon. the LIEUT-GOVERNOR replied on behalf of the Government. His arguments contra were dealt with by MR. RAMANATHAN in the following speech.]

MR. RAMANATHAN'S reply:—

I cannot say I am quite satisfied with the answer given by the Hon. the Lieutenant-Governor. I believe—and not only I, but other persons more competent than myself believe—that the Government have exaggerated the difficulties connected with the working of the Ordinance No. 5 of 1877. If District Judges in Matara and Kalutara are competent to deal with partition and other land cases, involving claims to 1-164th share, or even shares more infinitesimally divided, I ask why should not the present Registrar-General, who enjoys quite a reputation for legal ability, be allowed to enter upon inquiries of this kind? You will thus perceive, Sir, that the first argument of the Hon. the Lieutenant-Governor must be abandoned. The other argument he has urged is this: that an inquiry by the Registrar-General cannot go on *pari passu* with the enquiries of the Grain Tax Commissioners. I can only say that the department of the Registrar-General is quite separate and stands on a distinct ground from the department of the Grain Tax Commissioners, being presided over by different Officers. Why then cannot these inquiries go on separately? I fail to see the difficulty, but I feel certain that, if the Government exert itself and grapple with the fancied difficulty, they would be doing their duty to the public at large.

The Hon. the Lieutenant-Governor then spoke of the most cherished prejudices of the Sinhalese, and thinks these prejudices should not be interfered with too hastily. Sir, the original Ordinance as to registration of titles and deeds was passed in 1863 and this is now 1881. Is it to be supposed that a lapse of 18 years has not been sufficient to familiarize the Sinhalese with the wisdom or necessity of that Ordinance? But, if they had forgotten either, was not the Ordinance of 1877 a clear reminder? How then can it be now said that it is still too hasty to interfere with the prejudices of the Sinhalese? When will it be not too hasty to interfere with their prejudices? When will the proper

time come for enforcing the Ordinance? The fact is, Sir, if there is a will, there is a way. For my part, I think there is sufficient ability amongst the Executive to deal with this matter successfully, if they wished to, but they do not want to, because it involves exertion.

The result is we are put off with the answer that the Government would make inquiries. They are free to make inquiries when they like. It matters not to me. In 1863 the Ordinance was passed, and amended in 1877, but they have not yet been enforced! The Council of those days have, it would appear, been making fools of themselves, by enacting an Ordinance which it was impossible to bring into operation. The action of the present Government is thus a queer comment on the practical genius of Sir Wm. Gregory and the eminent ability of the Hon. Mr. Cayley.

[Baffled in his object this Session, MR. RAMANATHAN moved again on the 11th of October, 1882, that it was not desirable to delay any longer the enforcement of the Ordinance 5 of 1877. This motion was agreed to by the Government. But he was confronted with another difficulty, in the attainment of his object on the 22nd of November, when the Government Agent of the Central Province objected to the insertion in the Supply Bill for 1883, of a vote of Rs. 5,000 for the survey of private lands, as being inconsistent with the retrenchment of revenue that had been ordered by the Legislative Council in consequence of the Agriculture and Commercial depression that began in 1879. All the members, including the Governor, supported the vote for the survey.]

SPEECH ON THE EMIGRATION OF LABOURERS FOR THE ISLAND UNDER CONTRACT OF SERVICE.

(4TH OCTOBER, 1882.)

On the 4th of October, 1882, the Hon'ble the Colonial Secretary moved the second reading of "An Ordinance relating to the emigration of native labourers from this Island under contract of service." It was supported by Mr. Ramanathan.

MR. RAMANATHAN said,—

I welcome this measure, Sir, as a happy outcome of the vast changes of thought which have come over the minds of the masses of the Sinhalese. Hitherto they have lacked self-help, being too much given to a life of ease and neglect, so that they have drawn on themselves the reproach of being apathetic. In this respect they are quite unlike the Tamils, of whom Bishop Caldwell said, in his introduction to his work entitled *A Comparative Grammar of the Dravidian Languages*, "wherever money is to be made, wherever a more apathetic people is waiting to be pushed aside, there swarm the Tamils,—the Greeks or the Scotch of the East,—the least scrupulous and superstitious, and the most enterprizing and persevering, race of Hindus." It is very gratifying to see the Sinhalese, the masses, I mean, catch some of the bold spirit and enterprize of their fellow-countrymen, the Tamils.

I have heard it stated that the Government were doing wrong in placing a "restriction" on emigration, because, forsooth, Ceylon could afford to be freely drained of the so called scum of the Sinhalese. I do not think the objection is sound, for, if the draining process is permitted to go on without the necessary safeguards, the tide of emigration will soon cease. The Bill enables the Government to secure health and freedom for those who migrate to

foreign lands. It is important that our emigrants should not be badly treated by foreign masters, or that their wants be neglected. In either case, they would carry back to Ceylon a tale of woe, which would soon suppress emigration.

The present Bill is calculated to guard the immediate interests of the emigrant, and to promote a healthy flow of emigration, with the result that that our emigrants returning would bring into the Island not only some portion of Australia's capital, but more appreciative views of industry and honourable ambition, without which no nation could rise to greatness. I heartily support the Bill.

ON THE NECESSITY OF AFFORDING RELIEF TO THE LANDLORDS OF SMALL TENEMENTS FOR THE SPEEDY RECOVERY OF RENTS, AND THE RESUMPTION OF THE TENEMENTS UNLAWFULLY HELD OVER.

(11TH OCTOBER, 1882.)

A large section of the landlords of Colombo, who experienced great difficulties in dealing with defaulting or fraudulent tenants petitioned MR. RAMANATHAN to devise some means for remedying their grievances. On the 11th of October, 1882, he asked for leave to introduce "An Ordinance to facilitate the recovery of possession of tenements after due determination of the tenancy," and showed the necessity for the Bill in the following speech:—

MR. RAMANATHAN said,—

The Bill, to introduce which I beg the leave of Council, is intended to supply an adequate remedy for a class of evils which for some time past has been assuming vast proportions. Its cause is due chiefly to the gradual growth of a large floating population in the chief towns of the Island, who are compelled to live from hand to mouth, wedded to the ordinary shifts of poverty. They have no houses of their own to occupy, and have therefore to hire the houses of others. The tenants are mostly tenants-at-will, and hold the premises under engagement to pay rent by the month in advance, or more often in arrear. In the average run of cases, the landlord's only security consists of the furniture which the tenant has brought into the house. The tenant would pay rent regularly for three or four months and be in default thereafter, pleading excuses, such as his illness which had prevented him from earning a livelihood, or illness in the family which had consumed his savings, all which excuses a humane landlord is bound to respect. Three or four months being thus whiled away, the landlord determines upon putting pressure on the defaulting tenant who would neither pay rent nor quit the

premises. The landlord institutes an action against him in the Court of Requests for use and occupation, and in due course obtains judgment. Armed with the writ he proceeds to the tenant's house and finds to his dismay that the furniture has disappeared. Thus foiled in his attempt to recover arrears of rent, he betakes himself to the District Court and prays that his tenant may be ejected. The costs of an action in ejectment are heavy, and vary with the value of the land from which the trespasser is to be ejected. As the object of the tenant is to protract the suit, he files a dishonest answer which necessitates a replication, and after all this expense and vexatious delay the case is set down for trial. On that day, if the case does not go down the roll for want of time, the landlord obtains judgment and sues out writs of execution. Ordinarily the Fiscal is able to eject the tenant and give possession to the plaintiff. But I know of cases where the difficulties of the landlord did not end here. On the Fiscal proceeding to the house with the writ of possession, the tenant, in the cases I refer to, opposed the Fiscal, who thereupon had to report to the Court the opposition he had met with. The District Court rules the troublesome tenant to show cause why he should not be committed for contempt, and on his appearing and expressing his regret, lets him off with a slight fine. The tenant's shifts to live free of rent are far from collapsing at this point. He still holds on, and the Fiscal once more accompanies the landlord to the house, when they see the defaulter pass across the road to a house opposite. They enter the premises in the hope that the house is unoccupied, but what they actually find is a new tenant claiming the right of occupation not from the landlord, the real owner of the house, or the tenant in default, but from another man. Could there be greater vexation and annoyance than this? The poor landlord has to think of another action against this new tenant, who is merely the tool of the old tenant.

Such are the hardships of our landlords. I do not say that these hardships are peculiar to Ceylon; they are common to all communities which have landlords and poor tenants. We

accordingly find legislation on the subject in our English statute book. 1 and 2 Vict. c. 74 empowers Justices of the Peace sitting in Petty Sessions to afford summary relief to landlords where the annual rent does not exceed £20 a year. The Justices have the power, upon a complaint being preferred to them, to issue a warrant directing the constables and peace officers of the district to enter into the premises by force, if necessary, and give over possession to the landlord. This measure was passed in 1838. Eight years afterwards, 9 and 10 Vict. c. 95 extended the summary process to cases where the annual rent did not exceed £50, and conferred the necessary jurisdiction on County Courts.

In Ceylon, too, we find some legislation to relieve the hardships of landlords, but for various reasons it has hitherto been a dead letter. I refer to the "Supplementary Rules for the District Court," framed by the Judges of the Supreme Court, under date 5th March, 1838. Besides occupying a very obscure position, being in fact buried amidst a heap of revoked rules, the procedure involved in that rule may be made simpler and less weighted with expense. It is not necessary now to go into the merits of my Bill. If I am granted leave, Hon. members can discuss its merits after its introduction.

[Leave was given to introduce the Bill. Mr. Ramanathan moved the first reading on the 18th of October 1882. After the second reading, it was committed to a sub-committee of the council for consideration and report. There certain amendments were agreed to, and, after the third reading, it was passed on the 29th Nov. as the Ordinance No. 11 of 1882 and came into operation on the first day of January 1883.]

ON THE INVIDIOUS DISTINCTION DRAWN BY THE GOVERNMENT BETWEEN THE EUROPEAN AND CEYLONESE MEMBERS OF THE CIVIL SERVICE IN REGARD TO THE HIGHER APPOINTMENTS IN ITS REVENUE BRANCH.

(15TH NOVEMBER, 1882.)

Referring to the invidious distinction drawn ever since the establishment of the British government in Ceylon, between the European and the Ceylonese members of the Civil Service, MR RAMANATHAN asked why the Ceylonese in the Ceylon Civil Service were not appointed to revenue offices and moved for a return shewing the revenue appointments, if any, held by them during the last ten years.

MR. RAMANATHAN said,—

Approximately speaking there are 43 revenue appointments and 32 judicial appointments in the Ceylon Civil Service, making a total of about 75 appointments. About six of these appointments are filled by Ceylonese gentlemen, but they are all in the judicial line. The relative value of judicial and revenue appointments may be seen from the fact that, out of the fourteen appointments included in the "first class" and carrying salaries between Rs. 12,000 and Rs. 24,000 a year, only two are judicial, one of which is worth Rs. 14,400, and the other Rs. 12,000. The prizes of the Services are, therefore, in the revenue line. It must also be conceded that, without a preliminary training in the lower grades of administrative appointments, no man in the Service can adequately fill any of the higher offices in the revenue line.

Looking back during the last twenty years, I cannot think of a Ceylonese who has held a revenue appointment. How, then, could the Ceylonese gentlemen in the Ceylon Civil Service hope to secure any of the prizes of the Service? Europeans and Ceylonese enter the Civil Service upon equal terms, and yet how is this inequality of position

to be accounted for? Who is responsible for the exclusion of the Ceylonese from the revenue line? If the Ceylonese are content with the inequalities of their position, it is not for me to fight their battles. The claims of these gentlemen to the prizes of the Service is altogether a minor matter. It is not of much interest to me whether individually they secure higher pay or greater prestige than now. But I am deeply interested in the other and more general phase of the question, viz., whether the best of the natives of Ceylon are, or are not, allowed to take part in the administration of their country.

I am truly thankful for the manifold blessings of the British Rule—for the security of life and property, for the freedom of speech and action, for the equal laws which are given to my countrymen. I am also thankful for the Gansabhawas, Local Boards, Road Committees and Municipalities, which were inaugurated as a means of educating the people in the rudiments of Self-Government. But under the system which prevails now, the best school for learning how to administer a country is a revenue or financial office in the Civil Service. The details of administrative work in Ceylon are learnt best in the revenue offices, in the Colonial Secretary's office and Kachcheries.

The experiment of appointing native gentlemen in the Civil Service to these revenue offices was never fully and fairly tried, not even begun, though their judicial attainments are universally recognized. Their work as Judges is guided by qualities which are also the essentials of administrative genius. The good work they have done as Judges is based upon a sense of duty, self control, firmness, keen intellect, aptitude for details, and a wide knowledge of the Law and the ways of the people of the country, all of which qualities are of the utmost value for purposes of administration. The importance and responsibility of judicial work are not sufficiently recognised by our Government in Ceylon. The scale of emoluments attached to revenue and judicial offices betrays the opinion of past Governments upon the relative merits of either work.

Your Excellency would bear in mind that at one time the capacity of the Ceylonese to do the work of Judges was considered a moot point. I do not know if the Government would now deny their capacity for administrative work. If the experiment is made, the Ceylonese gentlemen in the service will, I have not the slightest doubt, give the most convincing proofs of their ability as administrators, in the same manner as they have shown their ability as Judges.

In the neighbouring continent of India, many a Native State is a standing monument of statesmanship on the part of the natives of India. Sir Salar Jung, the Minister of Haiderabad, raised that state from bankruptcy and the evils which followed in the wake of misrule to a condition which was the envy and despair of Anglo-Indian statesmen. And of Sir. T. Madhava Rao, the successful Dewan of Travancore and Baroda, I would say no more than this, that a few years ago *The Times* of London, while deploring the chaos into which Indian finances had been brought and the ever-recurring misery of Indian famines, strongly recommended that Sir. T. Madhava Rao should be appointed Finance Minister of India, and anticipated from his genius the almost magic changes which he had produced successively in the two great States of Travancore and Baroda. I mention the names of these statesmen to shew to our Government the aptitude of some of the natives of India, and therefore of Ceylon, for the work of administration. And it is not to be supposed that these great men could have administered without competent and able subordinates.

In the British territory, too, of India, the capacity of Indians for such work is recognised and acted upon. As in Ceylon so in India, there are natives in the Civil Service, and I would cite the case of Mr. Ratnavelu Chetty, a Tamil, of the Madras Civil Service, as a typical case of what is going on in India. Mr. Ratnavelu Chetty joined the Service in July, 1876, and was appointed *Assistant* to the *Collector* and District Magistrate of Salem, in August, 1878; *Assistant Collector* of Chingleput in August, 1879; Head *Assistant Collector* of North Arcot, in December,

1879; *Assistant* to the *Collector* and District Judge of Malabar, in July 1880; *Inspector-General* of *Registration*, Madras, and in October, 1880, *Assistant Collector*, Malabar. He died in September, 1881, by a gun accident, and was then only twenty five years of age. Well might our Government follow in the footsteps of India, where the policy of allowing the best men of the country to take part in its administration is being carried out. The success which has been achieved there is a guarantee that the appointment of the Ceylonese gentlemen to the revenue offices of Ceylon, where they could learn the art of administration, would produce the happiest of results.

I ask why the Ceylonese gentlemen in the Civil Service are not appointed to revenue offices, and I beg to move for a return shewing the revenue appointments, if any, held by them during the last ten years.

[The evasive reply of the Government, through the Hon. the Colonial Secretary, was that the appointments of the members of the Civil Service to their respective offices were made by the Governor according to the fitness of the officers available for the particular post, and that there was no objection to furnishing the return asked for.]

ON THE IMPORTANCE OF HAVING THE RIGHT OF APPEAL ON QUESTIONS OF FACT IN THE CASES REFERRED TO IN CLAUSE 406 OF THE CRIMINAL PROCEDURE CODE.

(8TH SEPTEMBER, 1883.)

An Extraordinary Session of the Legislative Council was opened on the 18th of July, 1883, for the purpose of considering the Penal Code and the Criminal Procedure Code. The records of the Council Proceedings in Committee held during the four months ending October 1883 contain many specimens of MR RAMANATHAN'S great legal acumen, readiness in debate, and earnest endeavour to safeguard the interests of the people displayed during the course of the debates that took place upon the various clauses of those bills.

The following is a part of his speech delivered on the 8th of September, 1883, in connection with his motion for the deletion of clause 406 in the Criminal Procedure Code, which dealt with the right of appeal in some cases. He was supported by MR. J. VAN LANGENBERG (the Burgher Member,) the GOVERNMENT AGENT of the Western Province (Mr. F. R. Saunders,) and the LIEUTENANT-GOVERNOR (Sir John Douglas.) But the motion was lost, as all the other official members ranged themselves against it when the Council divided.

MR. RAMANATHAN said,—

I have just one word to say before the Council divides. I have listened to the speeches which have been made, and I am quite prepared to admit generally that a Court of first instance has the best means of judging of the truth or falsehood of the evidence given by the witnesses. But, Sir, as I stated in my opening speech—rather hazily, I admit,—the people of Ceylon have not always felt confidence in the soundness of the judgments pronounced by Police Magistrates. The learned Queen's Advocate (the Hon'ble Mr. F. Fleming) has quoted a learned author to shew that it is better that the administration of justice should be believed to be pure than that it should be actually so. The question of purity or impurity of judgments is involved in the larger question of sound and unsound judgments, and both these questions are associated with the means and opportunities which a Magistrate has of arriving at proper judgments.

Every Hon'ble Member would I think concede that, when a person is implicated in a case he would wish to be judged rather by Your Excellency than by any Police Magistrate. He knows that you will bring to bear upon the subject of his grievances a far longer experience, a calmer judgment, a wider knowledge of human nature, and a variety of other qualities, and he will say to himself, "If His Excellency judges my cause, I am quite content to abide by that judgment, but certainly I cannot abide by the judgment of a young Police Magistrate, who is new to the country, and who has never mixed and moved with the people." Just the same may be said of the Supreme Court. A man would naturally say to himself, "If my case were judged by the Supreme Court I would be quite content to abide by its judgment, but I can not abide by the judgment of an inexperienced Magistrate." So that, the conclusion we come to is this: That it is only when the people of the country have reasons for absolute confidence in the decisions of the Police Magistrates, that the Legislature ought to deny the right of appeal.

Let us look into the way in which a Magistrate is drafted into the Service. He is quite new to the country and the habits of the people of Ceylon. On assuming duty, he hears evidence and records his judgment upon the evidence adduced. He attributes this motive to one witness and that to another, which may not be the true motives. He interprets the statements of the witnesses by his own ideas of things. He then passes his judgment upon this incorrect assignment of motives, and incorrect interpretation of evidence, a judgment which, in the opinion of another person of greater experience, would be incorrect. In such a case, I ask, would this Council conscientiously take upon itself the responsibility of depriving the people of the country of the right of appeal which they now possess? I think, in this discussion proper weight has not been given to the opinion of Mr. Ferdinands upon one point. He points out the incongruity of appeals being granted in the case of a person who comes before the Court complaining he has been deprived of

a six-penny piece or of some small debt which has not been paid. In that case, he has a right of appeal; but in the other more important case, he has no right of appeal. Nor has sufficient weight been given to the argument brought forward by my hon'ble and learned friend opposite (the Hon'ble J. Van Langenberg) as regards the incongruity of allowing appeals in cases which involve a punishment of three month's and not allowing appeals in cases of punishment of one month's imprisonment only. We should not be inconsistent. To one man a thousand pounds may not be much, but to another ten pounds may be a fortune. To one man a day's imprisonment would be ruinous, but to another man three month's imprisonment may ward off starvation at his house and so be agreeable to him. I am the last person to advocate changes simply for the purpose of realizing ideal reforms. But here we have substantial incongruities in allowing appeals in civil cases, and appeals from Police Court decisions where the punishment is nine month's imprisonment, and not allowing appeals in cases of one month's imprisonment. Surely, some explanation is due to those who ask for the reason of all this.

I appeal to Your Excellency to view the circumstances in which Ceylon is situated and the means by which the machinery of justice is administered, and I feel it my duty to beg Your Excellency not to take away from the inhabitants of Ceylon the right which they have possessed for so many years and which they keenly appreciate. Sir, I move that this clause be deleted, and ask Hon'ble members to do the people of this country justice by voting with me.

ON THE URGENCY OF AN ORDINANCE TO AFFORD FACILITIES TO LABOURERS ON ESTATES TO RECOVER THEIR DUES WITHOUT DELAY.

(4TH JANUARY, 1884.)

Owing to the continued prevalence of agricultural depression, many owners of coffee estates were unable to pay their labourers the wages due to them. There were numerous cases in which the accounts of the unfortunate coolies had remained unsettled for some years. The Government resolved to secure to the cooly some method of recovering his dues without delay, expense or technicality. The Bill introduced in Council sought to amend the Ordinance relating to servants, labourers and journeymen artificers.

MR RAMANATHAN made the following speech, on the 4th of January, 1884, in support of the Bill at its second reading.

MR. RAMANATHAN said.—

The subject now before the Council has been called a burning question, but I have no desire to approach it with an inflamed mind. My duty is to recognize facts and to state to the Council impartially my views. There is no disagreement between any section of the public as to whether or not it is desirable to remove the difficulties which beset the cooly in recovering at law the wages due. Upon, however, another point, namely, whether or not the wages of coolies have been allowed by their employers to run into arrears, with the result that those wages were not in many instances paid at all,—there is a difference of opinion. But we, who have watched the discussion, as it has been carried on in the newspapers, can have no difficulty in arriving at a conclusion on this point also. The testimony of so distinguished an authority as the Lieutenant-Governor, and of the able and experienced Editor of the *Observer*, also helps us considerably. But the matter is removed beyond the region of doubt by what the Planters' Association itself has said. After calling the attention of the Colonial Secretary to the real meaning of the expression "arrears of wages," that

body stated in its letter of the 24th November last,—"It is unfortunately true that such arrears exist to a considerable amount on a large number of estates, a fact deeply to be regretted, and which it is not attempted to justify."

If then. this fact is established, the only other question remaining for consideration is, whether it is desirable to extend the period of lien and to give the Government a right to interfere. My honourable friend, the member for the planters, says that the Government ought not to interfere because the condition of the coolies was never better than it is now. I quite concede the fact that the Medical Aid returns furnished by the Medical Officer show the sanitary state of the coolies to be very satisfactory, but that only proves that the cooly has adapted himself to the climate of the hills. This, however, does not disprove the necessity for Government interference. The Government are anxious to interfere, because the coolies do not receive their just dues at the present day.

I am not going to asperse the character of the planters. They have hitherto treated the Thamil labourer kindly and well, and nobody who has not seen the Thamil cooly in his home in India can appreciate the ease and comfort which he enjoys in Ceylon. The food-grain area of the Madras Presidency, which is but meagrely watered by rainfall and river-basins, produces more of millet than rice; in fact 67 per cent. of millet and 33 per cent. of rice. The rice produced is consumed mainly by the urban population, while the rural population, from whom our coolies are drawn, live largely upon millet porridge, known in Thamil as *cholam* and *varaku* and *kambu*. It is the most needy and adventurous of this class that come out to Ceylon. Their extreme poverty and want of nourishing food, their exposure to the parching heat of the South Indian plains, added to the depressing influences of a rigorous caste system, which renders of little value the rights and privileges offered by the British Government, unite to make the life of a cooly irksome and strenuous. But the moment he steps over to Ceylon, the conditions of his existence

become very different. In our plantations the Thamil labourer has at least two meals of rice a day, a genial climate that does not parch up his skin, work that is not difficult and kindly treatment so that he feels that after all he is not the uncared for being that he was in India; in fact, that he is playing an important part in the regeneration of Ceylon. He thus grows sleek of body and independent of mind, is able to store up his savings, and, if he does not, as is often the case, buy up the small holdings of the apathetic Sinhalese in the Central Province, he returns home, hoping to come back to the scene of his labours. But this state of things will not continue if the reputation gets abroad that wages are habitually in arrear and are not recoverable in Ceylon at the present day. The stream of immigration would then be stemmed, and the planting enterprise would suffer. How then could Government look on without interfering? In my opinion, it cannot and ought not to shut its eyes any longer.

If, then, the Government are to interfere, what limitations should be imposed? The ready and sympathetic action which you, Sir, have taken in weeding the Bill of the objectionable clauses, has already divested the question of its difficulties, and the announcement which His Honour the Lieutenant Governor has made today receives my cordial support. I do not like that there should be too much interference on the part of the Government with the relations of the employer and the employed. If the Government insisted upon a six months' lien, it was my desire to propose that Superintendents of estates should render only a biennial return showing the names of labourers and particulars of wages in arrear. But that suggestion is unnecessary to be made now, in view of the four months' lien proposed today by the Lieutenant-Governor. I have much pleasure in assenting to the second reading of the Bill.

ON THE RELIGIOUS INTOLERANCE OF CERTAIN CHRISTIAN MISSIONARY MANAGERS OF GRANT-IN-AID SCHOOLS IN THE NORTHERN PROVINCE OF CEYLON.

(11TH FEBRUARY, 1884.)

MR. RAMANATHAN said,—

I rise, Sir, to call the attention of this Council to the memorial I had the honour to present a fortnight ago from certain Hindu inhabitants of the Jaffna Peninsula, complaining of religious intolerance on the part of certain Christian missionary managers of grant-in-aid schools.

The specific nature of the grievances complained of appears in the memorial itself, and that is that children who are obliged to go to these missionary schools are forced by the missionaries, under pain of fines and expulsion, to read the Bible whether they liked it or not, which in my estimation is an excellent book, and to rub off those sectarian marks of devotion to religion which Hindus are enjoined by their ancient spiritual teachers to put on their forehead. It is needless now to go into the reasons of these practices. They are matters of faith, about the validity of which this Council will not enquire or judge.

I desire to approach the subject of the complaints made in the memorial with a due sense of the great work done by the missionaries on the field of general education. I am not at all antagonistic to their labours amongst us. I have always endeavoured to be tolerant in the widest sense of the word in matters of religious faith and religious enthusiasm. My opinions are well-known to all communities, and Christian missionaries have always courted my help in the solution of educational questions. In the year 1880 their leaders came to me in a body and asked me

to represent their grievances to this Council, and I gladly did my best for them. I have no fear of being misunderstood. Your Excellency's words, that it is your intention to maintain perfect neutrality between the different creeds in Ceylon, have been recently quoted with approval by His Lordship the Bishop of Colombo.

I beg in the first place to call your attention to the fact that there are no government schools, either English or Anglo-Vernacular, in the Northern Province of Ceylon, and that English education is imparted almost exclusively by the different Christian missionary bodies who have located themselves there. It appears that religious intolerance on the part of some of the managers has varied with varying times and circumstances, and that it has been steadily growing ever since the champion reformer of Hindus in the Northern Province died in 1879.

H. E. THE GOVERNOR: Who did you say?

MR. RAMANATHAN: The Hindu reformer named Arumukha Navalar. Hindu boys who, for want of their own English schools, resort to the missionary schools, have learnt to make mental reservations and are getting skilled in the art of dodging. The holy ashes put on at home during worship are carefully rubbed off as they approach the Christian school and they affect the methods of Christian boys while at school. I know of many cases in which even baptized boys and teachers, when they cease to be connected with such schools, appear in their true colors, with broad stripes of consecrated ashes and rosaries, to the great merriment of the people and the deep chagrin of the missionaries. There is a great deal too much of hypocrisy in Jaffna in the matter of religion, owing to the fact that the love of the missionaries for proselytes is as boundless as the love of the Jaffnese to obtain some knowledge of English at any cost. I cannot help thinking, Sir, that the policy pursued by some of the Christian managers of grant-in-aid schools is a ruinous mistake. It stands condemned by the Roman Catholic Bishop, the Right Rev. Bonjean, who has had several years of experience in the Northern Province. He wrote as follows to

Your Excellency's predecessor, Sir James Longden, in August 1882:—

"Our position," said the good Bishop, "in regard to education is this. Proselytizing non-Catholic children in our schools by holding out to them the bait of a secular education is no part of our system of evangelization. Schools are with us neither *the*, nor *a*, proper means for the conversion to our faith of non-Catholic children, but only as a necessary agency for the instruction of those who are either already Catholic, or have made up their minds to become Catholic. Hence, when we are compelled by the force of local circumstances to admit non-Catholic children into our schools, not only do we not begrudge them the guarantee of a conscience clause, but the rule in all our schools is not to admit such to attend religious instruction or to take part in any act of religion, except with the consent of their parents."

The intolerance of the Church of England missionaries and of the American missionaries in the Northern Province appears to be amply borne out by the observation which Mr. Bruce, the late Director of the Public Instruction, has made in his report. Mr. Bruce said:—"The grant-in-aid expenditure is now almost exclusively incurred on account of schools under Christian Church or Missionary societies. In the Roman Catholic schools there is a very strict conscience clause, but the managers of other societies, to whom I have written on the subject, have declined to pledge themselves that no scholar shall receive religious instruction contrary to the wishes of his parents."

Will, then, sir, the Government, in view of these established facts, which cannot be denied, stand aloof and see unmoved the youth of Jaffna demoralized by the hypocritical feeling engendered and maintained by the circumstances of the case and by its inability to withstand the powerful influence which the missionary has as an educational medium, or is it not the duty of the Government to intervene and put a stop to this evil? It was only last year that, in Christian England itself, the Archbishop of Canterbury insisted upon a conscience clause in the English Code of Education.

There is, sir, another view of the question which I should like to present to you, and that is this. Some years ago the Church of England here was disendowed for the reason that the taxes which were gathered from non-Christians ought not to go in maintenance of the Anglican Church. The argument applies with increased force to education, and I submit that it is not right that these grants, which are paid out of the taxes gathered from non-Christians, should go in aid of the religious instruction insisted upon by the missionaries. I submit, sir, that it is incumbent on the Government to afford relief to these memorialists, and I wait with anxiety to know what measures of relief the Government is going to give them. If there is no conscience clause in the grant-in-aid code, I thing the sooner a clause of that kind is introduced the better it will be for religious freedom in Ceylon.

If the Government are unwilling to have a conscience clause, though I cannot conceive for what reason they should be unwilling, they should at all events give the inhabitants of the Northern Province the same advantages which are given to the inhabitants of other provinces. In the Western Province there are 26 English and Anglo-Vernacular Government schools; in the Central Province there are 11; in the Southern Province 10; but there are no such schools in the Northern Province. I feel, sir, that I have only to state my case to enlist the sympathy of hon. members around this table, and I will not dwell any longer upon the subject.

[The Lieut.-Governor, Sir John Douglas, replied that the memorial, complaining of the acts of intolerance, was referred to the Director of Public Instruction for report, but that, as the report furnished by him did not give all the information that was required, the subject was referred for inquiry to the Govt. Agent of the Northern Province, that his report had not been received as yet, and the Government were pressing for speedy information.]

ON THE IMPOLICY OF ENTRUSTING EXECUTIVE OFFICERS WITH JUDICIAL FUNCTIONS.

(29TH OCTOBER, 1884.)

In consequence of the Report of the Commission appointed, at the instance of MR. RAMANATHAN, to inquire into the different phases of the questions arising from the working of the Thoroughfares Ordinances, the Government introduced, in 1884, an Ordinance to amend the Ordinance No. 10 of 1861. Certain clauses in it empowered the Chairman of Road Committees, who had a direct interest in the collection of the road taxes, to hear and try cases against defaulters.

MR. RAMANATHAN made the following speech on the 29th of October, 1884, opposing the second reading of the Bill, chiefly as to its clauses 15, 18 and 23.

MR. RAMANATHAN said,—

I have to thank Your Excellency (Sir A. H. Gordon) for the expeditious manner in which you have dealt with so complicated a subject as the Road Ordinance Defaulter's grievances. My motion for a Commission was made in 1880. The Commission was appointed by Sir James Longden in 1881, and its Report was in the hands of the Government early in 1882. I hoped that in the Session of 1882 or 1883 some measure or other would be brought before this Council, but I hoped in vain, notwithstanding my reminders. I am, therefore, very grateful to you for the measure now before us. I cannot however conscientiously say that I approve of every clause in it.

The principal suggestion of the Commissioners, who were appointed to inquire into this question, is embodied in the following paragraph:—"The advantages of the scheme which we recommend consists in the retention of the distinguishing principle of the original Ordinance—viz., the liability to labour—while all inclined to commute this liability are permitted to do so by a money payment when convenient. The so-called election is dispensed with, and a man is permitted to work or pay as suits his circumstances

from year to year. When, however, the labourer, who is too poor to commute, neglects or refuses to work, he is treated as an idler, and punished as such with speed and severity." I am glad to find that this suggestion is the basis of the present Bill.

There are a few minor points which I shall touch upon when the Bill is referred, as I hope it will be, to a Sub-Committee; but I would to-day especially ask Your Excellency whether your Government would not reconsider the clauses 15 and 18, which confer on the Chairmen of Road Committees the power to hear and try some penalized offences committed by defaulters, and to sentence them to imprisonment for various terms culminating in one month. These clauses do not give the right of appeal to the defaulters so convicted. The question of appeal, Your Excellency, was settled last year when we considered the Penal Code, and I shall not waste the time of this Council by asking you to reconsider that question in reference to this Bill. That Code has decided that there shall be no appeal in cases of imprisonment where it is for one month. I think that is a reason all the more important why we should not confer judicial powers on officers who are engaged in purely administrative work.

A very large question is opened up to-day on the face of this Bill, and I appeal to my honourable friends on this side of the House, to have their say on this subject. For my part, I would respectfully state to Your Excellency that in my opinion it would be impolitic, in the circumstances of this Colony, to entrust officers engaged in purely administrative work with judicial offices. I shall not attempt to enlarge upon the qualities of mind required for judicial work and for administrative work, but, I believe, that two different frames of mind are required for excellence in administrative as distinguished from judicial work. For administrative work you have to consider what are the most prompt and expedient methods of effecting your object; on the other hand, for judicial work, you have to consider what is the legal and most formal method of effecting your

object. An able civilian in Ceylon once told me what he had mentioned to a Governor—and I am tempted to repeat it here, because it illustrates truly, though quaintly, the difference between the standpoint of an administrator and judicial officer. The Governor asked him, "Why do you say that he is the best headman in your district?" The civilian answered, "If I told that headman to hang, say, Appurala, he would do it without a second thought." It is legal to have a man tried for murder and hanged if sentenced to death by a competent court, but the civilian desired to hang Appurala because he thought him to be a very bad man, and deserved to be hanged. The administrator's view is to attach less importance to legal and formal ways, and more importance to rough and ready modes of doing things, provided such modes of action are in his opinion substantially just. A great General or Governor, having large discretionary powers entrusted to him, may enter upon bold schemes, and take upon himself the responsibility of effecting them by the promptest and most expedient methods, irrespective of the formalities of law; but the very fact of his being a General or Governor affords some guarantee that nothing outrageous would be done. But Your Excellency knows what modicum of ability may be had for the poor pay which our exchequer can afford to give an assistant Government Agent acting as a Chairman of a Road Committee. We cannot expect to have in the ranks of our Assistant Government Agents very many men of balanced judgment. We must, therefore, be careful as to conferring on them powers which do not admit of being checked or guarded in some effective way. One who is devoted mostly to administrative work is liable to forget the safeguards which those engaged in judicial work seldom lose sight of. The formalities of law are obstacles to error. They prevent the perpetration of injustice. To ignore them is to open the door to serious blunders. I, therefore, think that Your Excellency ought to reconsider the desirability of giving to our Assistant Agents the powers referred to in clauses 15 and 18.

The Timber Ordinance is one which deals with revenue matters, the Arrack Ordinance is another such; but yet in neither of them will you find anything like the powers, I am speaking of, given to Government Agents or Assistant Government Agents. Why not?—Your Excellency may ask. Because it is an established rule in the British system of Government to separate and keep distinct the duties of administration and judicial functions, and because it is improper that the Chairmen of Road Committees should be both prosecutor and judge. There are heaps of cases in English Law where the slightest personal interest in a case disqualifies a man from being judge in it. I remember a case, and that is one of our leading cases, where the Lord Chancellor of England, having a few shares in a public company, sat in judgment over a case brought by one Dimes against that company. His judgment was set aside by the House of Lords on the ground of interest. I desire to call this Council's attention to it, because I believe that we are forgetting some salient principles of administration. The case in question is reported in the third volume of the House of Lords' Reports. Lord Campbell said:—"No one can suppose that Lord Cottenham could be in the remotest degree influenced by the interest that he had in this concern; but, my Lords, it is of the last importance that the maxim that no man is to be judge in his own cause should be held sacred. And that is not to be confined to a cause in which he is a party, but applies to a cause in which he has an interest. Since I have had the honour to be Chief Justice of the Court of Queen's Bench, we have again and again set aside proceedings in inferior tribunals, because an individual who had an interest in a cause took a part in the decision. And it will have a most salutary influence on these tribunals when it is known that this high court of last resort, in a case in which the Lord Chancellor of England had an interest, considered that his decree was on that account a decree not according to law, and was set aside. This will be a lesson to all inferior tribunals to take care not only that in their decrees they are not

influenced by their personal interest, but to avoid the appearance of labouring under such an influence!" That is the lofty standard which justice demands of those who are entrusted with judicial, legislative and executive work. I hope that principle will never be forgotten in Ceylon.

The Chairman of the District or Provincial Road Committee, who is deeply interested in the collection of taxes and the proper maintenance of roads, is by this Bill made at the same time prosecutor and judge. I submit that these two clauses 15 and 18 are a direct infringement of a very valuable principle which actuates the English system of government. It passes my comprehension to know who is responsible for the violation of this time-honoured policy. I do not know of any precedent in our laws for entrusting an administrative officer with judicial work. Neither do I see any necessity for it. Perhaps the Government desired to simplify procedure, but there may be too much simplification.

The Road Ordinance Commissioners carefully considered to what extent the existing procedure may be simplified. Having been one of the Commissioners myself, I can tell your Excellency what great pains we took to think over the question in all its bearings. We had before us the difficulty of defaulters being brought to Magistrates, stationed perhaps 10 or 15 miles away, and we had other circumstances to consider also, and our recommendation was that in cases where difficulties arise, through a Magistrate not being at hand, an unofficial Justice of the Peace may be utilized. The headman may make affidavit before a J. P., and obtain a warrant, for the apprehension of a defaulter, without any trouble; and when the defaulter was apprehended, he was to be taken up before a Police Magistrate to be dealt with according to law. This is the report of the Commissioners on that point,—

"On affidavit being made by any person, before a competent Justice of the Peace, of the service of the notices required by paragraphs (*c*) and (*e*) and of the default to labour and the failure to pay, it should be competent for such Justice of the Peace to issue a warrant for the arrest of such defaul-

ter. Provided such affidavit be sworn to within two months of such default.

"(*g*) When such defaulter is brought up—unless he immediately pays the double commutation due by him, and a further sum not exceeding 50 cents, being cost of his arrest—he should be committed to the custody of the Fiscal, to be sent before the nearest Police Magistrate, together with the affidavit referred to in the previous paragraph.

"(*h*) The Police Magistrate should he required to accept such affidavit as *prima facie* evidence against the defaulter, and should call upon the defaulter to show cause why he should not be sentenced to pay a fine of Rs. 10. It should be competent for the Magistrate to hear such objection as may be made by the accused, and to allow any reasonable postponement which may be required, and to adjudicate thereon, as if such matters were before him in his ordinary jurisdiction.

"(*i*) In failure of sufficient cause being shown and of the payment of the fine (if one has been inflicted) within such time as the Magistrate may fix, the defaulter should be committed to prison for one calendar month at hard labour.

"Notice of all proceedings should be given by the Magistrate to the Chairman of the District Road Committee, and all such decisios should be open to appeal by the accused person as well as by the Chairman of the District Road Committee."

The Commissioners thus did away with the formality of a plaint, subpoenas and lists of witnesses, but saved the principle that no man should be judge in his own cause, by vesting the trial of defaulters in independent Police Magistrates. They were to decide between the Chairmen of Provincial Road Committees and defaulters. Simplification of procedure should not go beyond that limit.

To say, as it is said in this Bill, that the Chairman of the Provincial Road Committee should be both prosecutor and judge, is wholly unfair and unconstitutional. I sincerely hope that the Government will consent to delete the objectionable part of the two clauses I have referred to. The deletion of portions of those clauses need not in any way

postpone this legislation. Instead of "Chairmen of District Road Committees," we might insert in the Bill, "Police Magistrates or Justices of the Peace, as the case may be." And with a few other alterations here and there, as may be required, the whole machinery of the Bill may be put in working order. These alterations may be attended to at one sitting of the Sub-Committee.

There is another matter I would call your attention to and that is with regard to clause 23, which imposes a money payment of Rs 2 instead of Rs. 1.50. I think Your Excellency has been sufficiently long in the Island to know that a sum of Rs. 1.50 in hard cash is really wealth to our ordinary villagers. It is unusual for them to have Rs. 1.50 about them. They live from hand to mouth. The levy of Rs. 1.50 itself is felt to be a burden by the poor, and to raise it to Rs. 2 would be felt very much more, and would, I think, defeat one of the main objects we have in view, namely, the prevention of the glutting of our prisons. I should feel it my duty to oppose the second reading of this Bill, if the Council will not agree to a reconsideration of Clauses 15, 18 and 23 in Sub-Committee.

[The Bill was referred to a Sub-Committee of eight members including Mr. Ramanathan, after its second reading had been passed. The report of the Sub-Committee was presented on the 26th of November, and the Council went into Committee. The debates lasted for two sittings, in the course of which also Mr. Ramanathan tried to impress upon the Council the importance of the principle violated; but the official majority carried the bill through. In his opposition to the third reading and at the division of the Council demanded by him, Mr. Ramanathan was uniformly supported by three other unofficial members, viz., Messrs. J. Van Langenberg, F. M. Mackwood and A. L. de Alwis. They handed in a protest as soon as the results of the division were declared.]

ON THE ILLEGALITY OF EMPOWERING THE GOVERNOR IN EXECUTIVE COUNCIL TO VALIDATE RULES FRAMED BY VILLAGE COMMUNITIES *ULTRA VIRES* OF THE AUTHORITY GIVEN TO THEM BY THE LEGISLATIVE COUNCIL.

(19TH NOVEMBER, 1884.)

On the 12th of November, 1884, the Hon. Mr. R. Dickson [Acting Colonial Secretary] moved the second reading of the Ordinance to amend the laws relating to Village Communities and Village Tribunals. He explained that this ordinance was rendered necessary by some doubts which had arisen as to the validity of the rules passed by various Gansabawas under the Ordinance No. 21 of 1871; that the present Law Officers of the Crown had declared many of them to be *ultra vires*, though they had been duly approved by the Governor, upon the advice of earlier Law Officers; and that the Supreme Court of those days had not questioned their validity. "But," he said "a new generation of lawyers arose, and a new spirit came over the Supreme Court, and we were told that the rules were bad. Then was used for the first time the expression *ultra vires*. So great is the respect of the present Governor [Sir A. H. Gordon] for the opinion of the present lawyers that he holds his hand and refuses to pass the rules. That is the whole difficulty. I cannot recall any case in which the Supreme Court has overruled the decision of the Governor in Executive Council in reference to these rules, but I know that the spirit of Chief Justice Phear has passed over these rules and brought decay and death to them. His spirit is still ruling, and it is that we must get rid of, it is that we must wipe off. That is the intention of the present Ordinance"

The second clause of the Bill, which was designed to give effect to this intention of the Government, ran as follows:—

"All rules proposed by the inhabitants of any sub-division under the powers conferred by the principal ordinance, or by Ordinance No. 12 of 1880 or by Ordinance No. 8 of 1882 shall be forthwith transmitted through the Government Agent of the province for the approval or disallowance of the Governor by and with the advice of the Executive Council, and no such rule when so approved shall be deemed to be invalid or *ultra vires* by reason of the provisions therein contained being inconsistent with the provisions of some other law or ordinance which may relate to the same subject-matter as does such rule, but every such rule shall have the same force and effect within the limits of the division to which such rule relates as if the same had been inserted in the ordinance in virtue of which such rule shall have been enacted."

MR. RAMANATHAN said,—

I rise, sir, to continue the debate which was adjourned at the last sitting when the Bill amending the law relating to Village Communities and Village Tribunals was read the

second time. The circumstances which have given birth to this Bill appear to me to be these. Village Communities often frame rules which are inconsistent with the existing provisions of the law. When these rules are forwarded to the Governor, the Governor and the Executive Council find it difficult to approve them because of their inconsistency. In the Bill now before us the Government has stated its solution of the difficulty. The Government wants the Legislative Council to ordain that, if the rules prepared by the village communities and forwarded to the Governor be approved by him with the advice of the Executive Council, no such rules shall be deemed to be invalid or *ultra vires* by reason of any provisions therein contained being inconsistent with some other laws or ordinances which have been enacted on the same subject as these rules. *En passant*, I may say that this side of the House has not been furnished with any information as to how the particular inconsistencies and questions of *ultra vires* have arisen in the past. I have no doubt that there are many papers on the subject, but not one has been tabled, and my honourable friend the Acting Colonial Secretary has not thought it proper to give us even a partial insight into the actual difficulties which the Government has experienced.

However, so far as we are concerned, many members of this Council in times past have opposed the delegation of legislative authority to the Executive Government, even when it was proposed that the laws to be made by them were to be made conformably to the provisions of the existing laws. But now we are asked to go much further. It is proposed to enact to-day that, even when the laws which might be approved and passed by the Governor in Executive Council are *ultra vires* or inconsistent with the existing provisions of the law, still such laws should have force and effect. It would seem, sir, that, with the helping hand of the Governor, Village Communities may overstep the bounds of authority prescribed for them by the Legislative Council, and have powers similar to those possessed by

the Legislative Council. Nay more. The Legislative Council can pass laws only after due notification and with many formalities and safeguards. Such laws too have to be reported upon by the Law Officers of the Crown and have to be considered by the Secretary of State and sanctioned by Her Majesty. But the laws which Village Communities may make are not to have any of these formalities. They are forwarded to the Government Agent, and the Government forwards them to the Governor, who approves and passes them with the advice of the Executive Council. I consider this mode of passing laws to be objectionable enough. But what shall we say of the Governor being allowed to pass them even though they are admittedly *ultra vires* or inconsistent with existing provisions of the law? A more complete usurpation of legislative authority by the Executive cannot be imagined.

But, what are the kinds of rules framed by Village Communities? I have heard of some of them: that if a son do not support his parent, he shall be guilty of an offence; that if after dark a villager do not carry a torch, he shall be guilty of an offence; that if a villager entertains in his house one who is not a fellow-villager, a stranger, he shall be guilty of an offence.

H. E. THE GOVERNOR (interposing):—Has the Executive Council ever sanctioned such rules?

MR. RAMANATHAN (continuing):—I hope not, Sir. I wish to know whether it is constitutional for this Council to delegate its functions in so sweeping a manner to other bodies?

There is a precedent, Sir, which might have been followed in connection with the difficulties experienced by the Government. The Municipality of Colombo for some years made rules that were considered *ultra vires*. The Government of the day submitted those rules to the Legislative Council and after due consideration most of them were passed by it. Why should not that precedent be adopted in the case of these Village Communities? My idea is that the rules framed by these bodies will not bear inspection. I strongly deprecate the passing of this Bill. The essence of my opposition is to its second clause.

[In spite of the united opposition of the Unofficial Members, the Government carried the second reading of the Bill with the aid of the Official majority, and a sub-Committee was appointed to consider and report upon the Bill. Neither Mr. Ramanathan nor the Attorney General was put on the Sub-Committee. When the report of the Sub-Committee was presented to the Council MR. RAMANATHAN pointed out the inefficacy of the recommendation of the Sub-committee as to clause 2. He moved the deletion of it, and the Governor consented to the withdrawal of the clause 2 altogether, and the Bill was read a third time and passed on the 10th of December thus amended.]

ON THE INCREASE OF JUDICIAL STAMP DUTIES.

(26TH NOVEMBER 1884.)

With a view to consolidating the Stamp Duties scattered over 23 different Ordinances and to increase the revenue of the Colony, the Hon. the Acting Colonial Secretary (Mr. J. F. Dickson, C. M. G.) moved on the 26th of November, 1884, the second reading of the Bill. The Hon. Mr. J. Van Langenberg argued strongly against many of the new proposals for augmenting the duties. The Acting Colonial Secretary misunderstanding the trend of his criticisms replied as follows:—"My Hon friend (Mr. VanLangenberg) has given the best argument we have heard to day in support of the changes proposed by the Bill. He said that under the law as it now stands a man who wants to recover Rs 50,000 has got to pay a Stamp duty of Rs. 7·50, but that under the Bill he would have to pay Rs. 125. If he considers the stamp laws of India, he would find that to recover a sum of Rs. 50,000 a man there would have to pay Rs. 1,200." As Mr. VanLangenberg had not the right of reply, Mr. RAMANATHAN rose to speak.

MR. RAMANATHAN said:—

I did not intend to speak, Sir, on this occasion, but after the observations which my honourable friend has been pleased to make, I think it my duty to correct some of his misapprehensions. He has triumphantly quoted the argument of my honourable friend who represents the Burgher community (Mr. Van Langenberg) against him, but it is obvious that the Colonial Secretary has completely misunderstood it. It is important that Your Excellency should know the actual facts. When a case of Rs. 50,000 is brought in our Courts under the present law, it would cost not Rs. 7-50 but Rs. 1,500. Rs. 7-50 is the amount required for the libel or plaint only. My honourable friend will perhaps be astonished to hear that, under the proposed new law, the libel only would require Rs. 250. Now it happens in this way. If you charge Rs. 2-50 for every Rs. 500, Rs. 250 would be the proportion for Rs. 50,000, and the libel would cost Rs. 250, and so on. The total amount of stamps required to recover Rs. 50,000 in an undefended action, where there is only

one defendant, would be not less than Rs. 1,500. My honourable friend said that under the Indian system there was an *ad valorem* duty of Rs. 1,200. I have shown that the *ad valorem* duty in India is less than the amount which suitors would be called upon to pay here in future. But my honourable friend seems to be ignorant of the fact that the system of paying in advance an *ad valorem* duty in India has been condemned by the Chief Justice of Bengal in a minute he wrote a few months ago. He wants the Government to introduce a system similar to that which prevails at the present day in Ceylon. My honourable friend ought to have practised some self-denial before he crowed over the victory which he thought he had won over the Hon. the Burgher Member.

Then, Sir, my honourable friend spoke of the litigiousness of the people, but he forgot to draw a distinction between criminal and civil cases. I know that our Criminal Courts are often used for purposes of annoyance and oppression, but there are men in this Council who have been District Judges, and they know perfectly well, as much as I do, that false civil cases are the exception in District Courts and Courts of Requests, so that the attempt to put down by legislation an evil which does not exist is rather labour thrown away.

But let us suppose that the evil does exist. How does my honourable friend propose to put it down? Not by punishing the offenders only, but by indiscriminately punishing innocent people too, for no fault of theirs. Sir, the subject of false litigation came up as early as 1833, when Mr. Cameron was appointed to report upon the Judicial Establishments of the Island, and he wrote very fully upon the subject. He said: "As in the Courts of the Maritime Provinces, so in the Kandyan Courts the suitors cannot take a single step without paying for a stamp, and this burden was avowedly imposed, not for the legitimate purpose of raising a revenue, but for the *monstrous* purpose of rendering the Courts of Justice inaccessible."

My honourable friend wants to deny to honest suitors justice

on the pretence of raising "a small contribution" to the revenue. A small contribution, indeed, and also because forsooth, he was impressed with a desire that an anomaly should be done away with. Well, Sir, that will be a very singular day when legislators meet in solemn conclave for the purpose of removing anomalies. If our desire is to do away with anomalies, I would bring forward a long list of anomalies, which have existed in Ceylon for years, to do away which would make my honourable friend's hair stand on end. I hope, Sir, we shall hear no more of the correction of anomalies. It is waste of time to deal with the other arguments of my honourable friend. He has fallen into a series of mistakes, and I can only say, that, great as he is in administrative ability, he has shown himself to be very ignorant in matters relating to law and the working of Courts of Justice, and that is the secret of his contempt for all Courts and his round abuse of the Supreme Court.

The Hon. MR. DICKSON: No, no, I did not abuse the Supreme Court.

MR. RAMANATHAN (continuing):—Yes, Sir, he did! Did he not regret the other day that the spirit of Sir John Phear was still hovering in the Law Courts? But for his ignorance of law and of the value of the conservatism which actuates lawyers, he would not have spoken so lightly of their well-considered opinions.

ON THE PRINCIPLES ON WHICH STAMP DUTIES ON LEGAL PROCEEDINGS MAY BE INCREASED—ARE THE PEOPLE OF CEYLON TOO LITIGIOUS? ARE APPEALS TO HIGHER COURTS A NECESSITY OR A LUXURY? WHAT ARE THE DUTIES OF UNOFFICIAL MEMBERS?

(22ND DECEMBER, 1884.)

The Stamp Ordinance, in reference to which MR. RAMANATHAN had spoken on the 26th of November, was referred, after its second reading, to a Sub-Committee. When the report of the Sub-Committee was tabled, the Bill was considered by the Council and then followed a series of warm debates which continued for two sittings. The following speech was made by MR. RAMANATHAN on the second day—the 22nd of December, 1884:—

Sir, I wish to suggest some amendments in part II of the Schedule to this Bill. Before doing so, I desire to call the attention of honourable members to the objects and reasons which the Government had in view as to the rates proposed in the schedule. They are of a three-fold character: the first is to make a general increase in the revenue at present collected, the second is the checking of litigation in Courts of first instance, and the third is the restriction of appeals.

I sympathise with the Government in their endeavour to resuscitate a falling revenue, but I cannot go with the Government in their contention that the people of this country are far too litigious or prefer appeals more unjustifiably than people in other countries do. It is only those who view the surface of things that condemn our people for litigiousness, by professing to compare the statistics which are usually published in England or India with the statistics which are usually published in this island. We know for certain how many cases are instituted in the Gangsabawes,

Police Courts, Courts of Requests, and District Courts and also in the Supreme Court of the Island; but most of us do not know how many cases are instituted in India or England in Courts corresponding to our Gangsabawas and Courts of Requests. In India there are Village Munsiffs' and District Munsiffs' Courts, and I have not seen, though I have endeavoured to do so, the statistics relating to these Courts; and of England much the same thing might be said. I have tried to get these statistical statements, but I have failed. It is certain that the basis of comparison which is sought to be instituted between litigants in Ceylon and litigants in India and England is radically wrong. I think that those who are raising the cry that our people are too fond of litigation are giving utterance to a statement not warranted by facts.

But supposing that the people of this country are fond of litigation, it yet remains to be shown that, by increasing the stamp duties, the people of this country would refrain from going to our Courts. If they go to our Courts it is because they do not want to take the law into their own hands. They are not given to bullying or roughly treating others. As they find that the British Government have furnished them with Courts of Justice to have their wrongs redressed, they avail themselves of the privilege given them. In former times under the native rulers, Courts of Justice were not many nor accessible; nor were trade operations so multifarious as now. Disputes in those days were comparatively few, and, when they arose, they were mostly settled by village headmen and relations. But now things are different. The authority of headmen has been destroyed, and the transactions of life have increased enormously. It is, therefore, not right to say that, by the people resorting to our modern Courts of Justice, they are guilty of being too fond of litigation. As well might it be said that, by the British Government giving hospitals to the people and the people flocking to hospitals, they are to be blamed as too fond of falling sick! The secret of litigation, Sir, is in my opinion the importance which one attaches to rights denied or wrongs perpetrated, and to the loose manner in which business is conducted among

our people. Until the people are better educated, are less pettiminded, and are able to find active occupations in a busy industrial life which will keep them engaged from one end of the day to the other so as to divert their thoughts from grievances of fancied magnitude, they will resort to Courts as frequently as they do now. I cannot admit that they are more litigious than the people of India or Europe. Putting high duties, therefore, on legal proceedings is not in my opinion a proper mode of checking peaceful litigation.

Then, Sir, we were told in sub-committee that appeals should be restricted, and it was stated—on whose authority I know not—that appeals are needlessly preferred. I have studied, Sir, the statistics of the Appellate Court, and I admit that there is a large number of affirmations of the Courts below, but there is also an appreciable number of modifications and reversals; and if anybody takes upon himself to bring a sweeping charge against the people of Ceylon that they prefer appeals illegitimately, it is only just that he should prove it. A bare statement like that cannot become true because it has been made. We shall not accept it. If the Government had proved by statistics that the Appellate Courts in England do not affirm as often as our Appellate Court does, that the Appellate Courts in India do not affirm as often as our Court does, we would gladly own the impeachment. But nothing of the kind has been done. Those who have any practice in our Appeal Court would tell you, Sir, that their opinion is just the reverse, and that the people of this country are in as normal a condition in regard to litigation in appeal as people in other countries.

We have also been assured that appeals in Ceylon are a luxury and as such they ought to be highly paid for. That is a point on which I and my honourable friend who represents the Burgher community, and also my honourable friend on the right (Mr. A. L. de Alwis) feel strongly. It is not a luxury in the circumstances of the Colony, but is an absolute necessity. Our Judiciary, with a few notable exceptions, have no special training in the law, nor have they much experience of our hearths and homes. Necessarily, therefore,

their findings on facts do not command the respect they otherwise might, nor are their decisions on law satisfactory. I have heard, Sir, many a civilian say that they did not qualify themselves in law, because they left to the Appellate Court the correction of their errors in law. I, therefore, am quite certain that appeals are not a luxury in Ceylon. My honourable friend who represents the Burgher community, writing to me from Nuwara Eliya, says:—"I have seen the report of the sub-committee which I received this morning. My objection to the rates on legal proceedings is as strong as ever. The declared policy of the Government that appeals should be restricted is wrong in principle and should be opposed. Constituted as our present Judiciary is, why should appeals be stopped? There is no hardship in civil cases, as the appellant gives security."

But, Sir, after all, the question resolves itself into this: Are the people of the country able to pay the increased Stamp duties without feeling them to be burdensome? The well informed among the natives of this Island say that this Bill will go hard with the people, and I do not know on whose authority the Government believe that the people are able, burdened as they are with other charges, to pay the increased duties. We believe that this will be an undue strain on the people. Impressed with these views we have thought it necessary to offer the best opposition we could to the proposed increase of duties on legal proceedings.

Having said so much, Sir, in justification of our opposition, it will now be my duty to proceed to suggest certain amendments on the schedule, relative to Civil proceedings in the Supreme Court. The charges, as they appear in the Bill, after the concessions which we have already been able to obtain from the Government, will stand as follows:—If I may throw the words appearing in the Supreme Court Schedule into classes, in the same way as there are classes in the District Court Schedule, the charges in the Supreme Court would be as follows. Between cases of Rs. 100 and Rs. 50,000 there will be no less than sixteen classes; for in a case of Rs. 500 and under, each of the proceedings referred to in the

Schedule would cost Rs. 2.50; in cases of Rs. 1,000 and under, Rs. 5; thus, in cases of Rs. 10,000 and under, Rs. 20; and in cases of Rs. 15,000 and under, Rs. 22.50 etc. Now, Sir, it is exceedingly unfortunate that cases in Courts of Requests, the maximum jurisdiction of which is only Rs. 100, should be put, for the purposes of appeal, on the same footing as District Court cases of Rs. 500. I ask your Excellency if that is fair. I submit that there ought to be a separate class for Courts of Requests cases. Even in India, in cases involving Rs. 50, a cheap appeal is allowed. In the Madras Presidency, all cases below Rs. 2,500 in value are tried by a class of judges called District Munsiffs, and all suits above that value are tried by Sub-Judges. Both these classes of Judges are natives of India. In all personal actions below Rs. 10, District Munsiffs have co-ordinate jurisdiction with a class of officers called Village Munsiffs, whose status is more or less that of Village Tribunals in Ceylon. The decisions of the District Munsiffs in all actions below Rs. 50 are final. The Sub-Judges when invested with summary powers have concurrent jurisdiction with the Munsiffs in all personal actions between Rs. 50 and Rs. 500. As a general rule, cases of this class go to Sub-Judges whose decisions on them are final. All other decisions in cases involving amounts between Rs. 50 and Rs. 500 are appealable, in some cases to District Courts, and in others to the High Court.

I cite the instance of India only because so much has been said about India in connection with this Bill. At one time the Government fortify themselves by the argument that they introduce these duties upon the footing of those prevailing in India. At another time when we confront them with privileges which the Indians enjoy, the Government turn round and say, "Well, it does not suit our purpose to do as they do there." We feel, Sir, very strongly that appeals in Courts of Requests cases should not be made as costly as this Bill would make them. I have already shown in what estimation we hold an appeal. It is not a luxury but it is a necessity; and to deprive the thousands of suitors, who go to Courts of Requests, of this right to appeal by putting on

such prohibitive charges is really a matter greatly to be regretted.

Next, Sir, I would call attention to the Supreme Court Schedule. Most appeals fall under Rs. 2,500, and the charges should be reduced. It is very well known, and my honourable friend on the right (Mr. A. L. de Alwis) who has a large experience of the agricultural classes of the Island, will bear me out,—that for the maintenance of their rights in Court, the Sinhalese *goyya* often mortgages his land and raises money so as to be able to pay his Proctor and the Court fees. Such being the shift to which the poverty of the aggrieved Sinhalese suitor drives him, under the present system, I cannot conceive how the Government can add to his troubles by proposing charges so prohibitive.

I have received, Sir, heaps of letters from all parts of the Island, calling my attention to this subject and asking me to speak as forcibly as I can and to try and persuade the Government to alter the course they have taken; and if I fail, it will not be my fault, but the misfortune of the country. Here is an eminent judge telling me: "I can give my testimony that the people of this Province are so poor that the present stamps and costs deter them from maintaining their claims." If that is so in the case of the present scale of duties, what hardships might they not suffer under the increased scale? I, therefore, Sir, appeal to Your Excellency once more and would ask if the Government would consent to a reduction of the charges. As to the District Court charges, we have not the slightest objection to an increased scale in cases involving large sums of money, because the people in such cases can afford to pay. But by far the largest number of cases that come before the District Courts are cases under Rs. 500. In the District Court of Colombo there were 2,410 cases instituted last year. Of these, there were over 50 per cent., or 1315 cases under Rs. 300, and more than one-fifth of the remaining 50 per cent. were cases under Rs. 750. Any man, who is acquainted with the practical working of our Courts, and who knows the hard struggle for life as seen in the home of the average Sinhalese and Thamil

man, will think twice before imposing the taxation which is at present sought to be inflicted.

Sir, I do not know from what source the Government draws their opinions of the ways and wants of the people, but I can say this much: that in the presence of a self-satisfied official most of our people do not care to state openly what is in their minds. Nor are you likely to get at genuine public opinion by speaking to your subordinates in the Department. I remember, Sir, reading a book lately published by a Bengal Civilian, who occupied the eminent position of Commissioner of Patna, Mr. William Taylor, and who remained for about thirty-eight years in India. He retired from his office and lived among the people, taking a great deal of interest in their welfare, and it is well that honourable members should bear in mind what his experience has been in his endeavour to find out the public opinion of the country. "When a public officer," he says, "in a high position in India descends from his pedestal and enters on his lower stage of ordinary unofficial existence, he passes, in one sense at least, from darkness into light. Flattering himself that in conversation or by inquiry he ascertains the genuine sentiments of the natives who approach him, he, in fact, takes in little but the smooth sentences of studied adulation, complimentary nothings or perverted facts. If, however, he casts off his official rôle, the veil is removed, and if his vocation brings him into confidential relations with the people, he is astonished to find how widely the real sentiments or genuine views of his visitors and associates differ from the manufactured opinion which he had in his higher sphere accepted as the truth."

Sir, speaking for ourselves, the native members of this Council, and also for the English members on this side of the house, we take it that our chief value to the Government consists in our conveying to them the genuine sentiments of the communities we respectively represent. We have no purpose to serve but to keep the Government well informed of the actual state of things, and we feel that in this question of stamp duties, the Government are being grievously misled,

and that they are thrusting upon the people a measure which will cause serious hardship. The Government may not see the effects of this Ordinance at all, but because there are no drunkards reeling about the streets of Colombo, would the Government assure us that there is no drunkenness in Colombo? Or, because there are no sights of destitution in our streets, would they tell us that there is no poverty in Ceylon? In the same way, if they hear no complaints from suitors, they should not be under the impression that such do not exist. I hope the Government will not tell us hereafter: "We have passed the stamp duties, where is the hardship which honourable members predicted the people would suffer?" You may not see it paraded in the light of day, but go to the homes of the people to see what hardships they suffer, to see what wrongs they endure, and what difficulties they put up with for want of means to have their grievances redressed in a Court of Justice. I shall consider myself fortunate if, even at this eleventh hour, I am able to induce the Government to pause and re-consider the matter before us. If, Sir, the scale of charges relating to appeals from the Courts of Requests and to appeals from the District Courts, in cases involving sums lower than Rs. 2,500; and the scale of charges relating to cases instituted in the District Courts, especially in cases involving sums under Rs. 2,500, could be reduced, this Bill would be satisfactory. I only hope, Sir, that the Government will see their way to the concession we now ask for.

ON THE RIGHT OF PUBLIC SERVANTS TO PETITION THE LEGISLATIVE COUNCIL FOR REDRESS OF THEIR GRIEVANCES.

(27TH JANUARY, 1885.)

MR. RAMANATHAN presented to the Legislative Council a memorial from certain officers of the General Post Office, complaining of their unsatisfactory condition as to pay and promotion. He moved that it be read.

After it was read, the Acting Colonial Secretary (Hon. Mr. R. F. Dickson) said: "It is necessary that I should say just one word, and that is that it is a grave breach of discipline for a body of public servants to memorialize the Legislative Council."

MR. RAMANATHAN said:—"I shall call attention to this petition at the next meeting."

On the 12th February he gave notice of the following motion: that in the opinion of this Council the claims of the memorialists to promotion in other branches of the clerical service deserve the consideration of the Government, if they cannot be given in their own department a higher scale of salary and pension on retirement.

In speaking to this motion on the 13th Feb., MR. RAMANATHAN said:—

About a fortnight ago, Sir, I had the honour of presenting a petition from the employees of the General Post Office, signed by about 50 of those public servants, and the gist of their grievance is that they have been excluded from the benefits of the clerical scheme during the last ten years, and thereby have suffered great loss in being deprived of promotion in other Government Departments as vacancies occur, without any compensation by way of increased salary or pension being allowed to them. Just as the petition had been read, Sir, my honourable friend the Colonial Secretary (Mr. J. F. Dickson) testily remarked that the presentation of such a memorial on the part of these public servants was a grave breach of discipline. It at once, Sir, placed public servants, who look to this Council for protection as much as others do, and me, and indeed the Legislative Council, in a false position. I had no ground whatever for supposing that our public servants are the servants of the local Executive Government. It is unquestionably true that these public servants are the servants of Her Majesty, and that this honourable Council

is the Council of Her Majesty, and not of the Governor, and that this Council, being vested with the power of voting the salaries of public servants, has also the right to enquire into their conditions and complaints. If, under these circumstances, public servants appeal to the Legislative Council on a question of pay or promotion or on any other grievance, I do not think that they could be considered to be guilty of a breach of discipline.

Such being my view of the case, I have taken the trouble to find out precedents in order that I may all the more effectually convince my honourable friend the Colonial Secretary (Mr. J. F. Dickson) of the right of public servants in the Colony to present a memorial to the Legislative Council. If my honourable friend will refer to the Minutes of this Council of the 5th September, 1842, he will find that the Colonial Secretary himself, who was undoubtedly a member of the Legislative Council, presented a petition from the clerks in the public service. I shall refer you, Sir, to the petition itself. I have got a copy of it in my hand. The Colonial Secretary presented the memorial which was addressed to the President and Honourable Members of the Ceylon Legislative Council, and his motion that it should be read before the Legislative Council was seconded by Mr. Urquhart Stuart, who was an unofficial member of the Council. The memorial was couched on lines similar to the present petition, asking for an increase of pay and promotion and so on. I do not think that it is necessary to trouble the Council with the details of the petition. Then again, Sir, on the 12th of September, 1843, Mr. Darley, an unofficial member of this Council, presented a petition to the Legislative Council which was addressed as follows:—"To His Excellency the President and Honourable Members of the Legislative Council. The humble petition of the undersigned clerks at Colombo in the service of the Government." That was also for pay and promotion. These two petitions were duly received and considered by this Council. Then, Sir, there was a third petition, if my honourable friend will allow me to remind him, which was presented by Mr. George

Wall when he was a member of this Council, in the year 1858. That was also signed by the clerks of the public service, when Sir Henry Ward was the Governor of this Island. Sir Henry Ward was very glad to receive the memorial, and I believe, the prayer of the clerks was granted.

I should have thought, Sir, that a liberal Government would have been glad of opportunities of this kind to explain away any grievances which public servants may fancy they have, and it would be very pleasing to the public to feel that the Government which presides over them is ready to answer courteous criticism. I can only express my sincere regret that the presentation of this memorial should have been so much misunderstood by my honourable friend the Colonial Secretary. Even if these unfortunate clerks were wrong, their memorial should have been received in a more kindly and liberal spirit.

However, Sir, I pass on to the petition complaining of the exclusion of the memorialists from a gradual rise in the clerical service of the Island. These clerks are most hard-working, and Your Excellency will find that Postmaster Gillman in 1869, wrote in the following terms of the Postal clerks:—

"In justice to the general body of clerks in the Post Office I must add that, though it is impossible for them, as for all other human beings, to avoid making occasional mistakes, and though the rules are severe, which are framed to keep their attention awake when working (as they sometimes have to work) with mind and body wearied, from long continued strain on both, I believe that there is not on the whole in any Department in Ceylon a better or steadier body of clerks, there is certainly not one more hard-working and hard-worked."

And then, Sir, the present Postmaster-General wrote:—

"The majority of these men are efficient and deserving public servants, and some of these will give every satisfaction in whatever capacity they are employed within the range of the clerical service. On the other hand, so far as I can judge, they will not certainly receive any fair share

of promotion or increase of emolument so long as their chances of obtaining either is confined to the Department to which they belong."

I take it that the present Postmaster-General, at all events, is sure there is a grievance, and that grievance, I say, deserves the consideration of Your Excellency's Government. I, therefore, Sir, have no hesitation in moving:—"That, in the opinion of this Council, the claims of the memorialists to promotion in either branches of the Clerical Service deserve the consideration of the Government, if increased emoluments or pension cannot be given them by way of compensation."

[The motion was seconded and supported by Messrs. A. L. de Alwis and R. A. Bosanquet respectively. After the Colonial Secretary's speech against the motion was over, H. E. the Governor addressed the House on the irregularity of the petitioners in addressing the Legislative Council, and also on Mr. Ramanathan's part in presenting the petition.]

MR. RAMANATHAN rose and said:—

After the expression of opinion which has fallen from Your Excellency, I should, if my personal feelings are consulted, prefer to remain silent. But I cannot do so in the interests of the public. My position to-day is this. On taking my seat at this Board I find a bundle of privileges have been entrusted to my safe-keeping, and if I feel honestly and conscientiously that those privileges are in any way trespassed upon, it does not matter by whom, it becomes my duty, however painful it may be, that I should resist the attempt. My opinion may not be supported by the official majority in the Council, but, all the same, my duty is to press it. Your Excellency has spoken of this Council as an 'outside body.'

H. E. THE GOVERNOR:—No, I did not say this Council was an outside body.

MR. RAMANATHAN:—I thought you spoke of it as an outside body. I understand then Your Excellency to say now that it is not an outside body?

H. E. THE GOVERNOR:—Outside what?

MR. RAMANATHAN:—Outside the Government?

H. E. THE GOVERNOR:—It is outside the Executive Government.

MR. RAMANATHAN:—I quite concede that proposition, Sir, but I say this Legislative Council is part and parcel of the Government of Ceylon. If you admit that we are not strangers, that we are not a body outside the Government of Ceylon, all the argument I have heard to-day urged against the right of public servants to memorialize this Council must totter and fall to the ground. Treat us as a part of the Government of Ceylon, as a body essential to the good administration of the country, as men inspired by the same motives as yourselves, as single-minded men who have the good of the country at heart and who labour for the promotion of the general welfare. If you, Sir, realize this view, I feel confident that you will not quarrel with me or any other member for presenting a memorial of this kind to this Council.

H. E. THE GOVERNOR:—I beg the honourable member's pardon. I am not blaming him. I said he was perfectly right. I regret myself that he should have done so, because on the part of the petitioners this was a grave breach of discipline. The honourable member is perfectly right. I say that clearly, but there are departmental reasons why public servants should not forward petitions to this Council.

MR. RAMANATHAN (continuing):—What I feel strongly about is this, Sir, that a petition is presented to this Council, and the Government refuse to vouchsafe an answer or explanation. The Government, perhaps, think it is an indication of great strength, but my opinion is that it is an exhibition of weakness, because it fears legitimate criticism.

After a pause, H. E. THE GOVERNOR: Do you press your motion?

MR. RAMANATHAN:—I do, but I think some other members wish to speak.

[The Hon. MR. J. VAN LANGENBERG addressed the Council on the point of privilege and contended that, the intention of the petitioners being quite respectful, Mr. Ramanathan was within his right in presenting the memorial.]

H. E. THE GOVERNOR:—Do you press your motion?

MR. RAMANATHAN:—Yes, I do.

H. E. THE GOVERNOR:—I am anxious that there shall be no opinion given on the claims of the memorialists. I am anxious that no such question shall be answered either in the negative or affirmative at the present time. I shall therefore, move the "previous question." The "previous question" is that this question be now put.

MR. RAMANATHAN:—Which question, Sir?

H. E. THE GOVERNOR:—That this question, that is, your motion, be now put. The operation of that is that, if it is carried in the affirmative, then your question is put, and we divide on it. If the motion that this question be now put is decided in the negative, then the motion is not put at all.

MR. RAMANATHAN:—I rise to a question of order, Sir. The rule that refers to a motion is this:—"When a motion has been made and seconded and the debate closed, the question, thereupon, shall be put to the vote by the presiding member." It says "shall be" put to the vote.

H. E. THE GOVERNOR:—Have you a copy of the House of Commons rules? I must confess, I do not find anything about the "previous question" here.

MR. J. VAN LANGENBERG:—I do not think there is any rule, Sir, about the "previous question."

After a pause, the Hon'ble the Colonial Secretary moved the adjournment of the debate *sine die*, and this motion was declared carried.

ON THE REGISTRATION OF MUHAMMADAN MARRIAGES.

(25TH NOVEMBER, 1885.)

[On the day of the opening of the Session of 1885—86, the Hon'ble Mr. S. GRENIER, the Acting Attorney-General, moved the first reading of a Bill intituled "An Ordinance to amend the Code of Muhammadan Laws, intituled 'Special Laws concerning Moors and Muhammadans,' "and to provide for the registration of Muhammadan Marriages contracted in this Colony." The Bill was looked upon by many sections of the Muhammadan community as one affecting vitally their religion, and they urged their representative in Council, MR. RAMANATHAN, to oppose the measure.]

At the second reading of the Bill, on 25th November, 1885, MR. RAMANATHAN made the following speech:—

The Bill before the House is of vast interest to an important section of our community who have been known for more than three hundred years to the European residents of the Island as the Moors of Ceylon. It is amusing to find them referred to in the Bill in one place as "Moors", in another place as "Muhammadans," in a third place as "Moors *and* Muhammadans," then again as "Moors *or* Muhammadans," as if those responsible for the Bill could not identify the people for whom we are legislating. Such a confusion of ideas, which is likely to add to the judicial work of interpretation in our Courts, may be all well in the year of grace 1806—not that such confusion occurs in the Code of 1806—but in the latter end of the nineteenth century it is not very creditable. The Portuguese in lively recollection of the Moors of Spain, used to call all Muhammadans Moors, and when they took possession of Ceylon they called the Muhammadans settled there as the Moors of Ceylon. But the mother tongue of the vast majority of these people is Thamil even in purely Sinhalese districts, and the crowning ceremony in their matrimonial customs, I mean the tying of the "Thali," is Thamil.

They have been most anxious by means of deputations and petitions to make me conversant with their opinions.

I think enough has transpired since the first reading of the Bill to convince you, Sir, that there is no unanimity amongst them. The opinions of which I have been made the custodian are as different as they are conflicting. I would find myself in a very trying position if I attempted to please any party at the sacrifice of my own opinions. In order to advise the Council, I have studied the question from different points of view, and I submit to hon. members my opinion in the hope that it will receive due consideration.

I believe an imperfect recognition of the exact wants of the Muhammadan community has led to this Bill being characterized as "needless and impracticable" by some of the memorialists who have petitioned this Council. It is universally admitted that the evidence of the marriage and the marriage settlement which is usually found recorded in the "Kadutham" should be placed on a more satisfactory basis, but it is denied that compulsory registration in the manner provided by the Bill is the true remedy. It is asserted that the Muhammadan community never asked for such a drastic remedy, and I am afraid that the history of this question justifies that assertion.

It was Mr. Gillman, District Judge of Galle in 1871, who first turned the attention of the Muhammadans to the imperfections of their Code of 1806. He decided, in a case pending before him, that a lawful divorce could not be obtained by a Muhammadan husband without the requirements of the Code of 1806 being satisfied. He then pointed out its imperfections and unsuitability to the needs of the present generation. My predecessor in this chair, the late Sir Coomara Swamy moved in November 1871, that the opinions of the legal and judicial officers of the island should be taken on the Code of 1806. He then explained that he introduced the motion at the instance of Mr. M. C. Abdul Rahaman and his party at Colombo, and what was known as the Gem Notary's party at Kalutara, and said that the antiquated clauses of the Code relating to marriage and divorce should be repealed, and that the Muhammadan law relating to gifts, guardianship and custody of children

should be introduced into Ceylon. Sir Richard Morgan, who was then Queen's Advocate, speaking on behalf of the Government, could not agree to the motion. He admitted that "the Code was imperfect, but that it was usual to supply omitted cases by evidence of custom on the particular point and that the English commentaries on Muhammadan law, though not useful in themselves as authority, were useful by way of analogy; that the Government did not consider it expedient to take the initiative in the matter, as Muhammadan laws and customs were so much mixed up with their religious rules and observances that it would be difficult to deal with the former without interfering or seeming to interfere with the latter. If upon any question relating to inheritance or marriage an amendment of the law was desired, it would not be difficult to make it, but the fact was the Muhammadans themselves did not seem to be agreed as to what amendments were necessary." He had repeatedly asked members of that community who indulged in general complaints against the Code to confer among themselves, and with their learned men and to state specially what it was they wanted, but they had not done so. In Sept. 1873, in answer to a question in Council, the Queen's Advocate said that Mr. Abdul Rahman's Code had been forwarded to the Government Agents for circulation amongst the principal Muhammadans in their respective Provinces, but that no replies had as yet been received. Then again in June, 1876 the subject was mentioned in Council only to be dropped.

The Bill now before us is not Mr. Abdul Rahaman's Code. On whom I am to father the present Bill I do not know, but it is traceable directly to representations made by Mr. Worthington last year, when he was Registrar-General. He did not recommend that registration should be the test of marriage. He wanted registration to be optional.

But the leading principle of the Bill, as my hon. and learned friend has said, is in clause 20, which enacts that no marriage contracted hereafter by Muhammadans shall be valid unless registered in the manner and form provided for

them. My hon. friend says that this clause does not alter the Muhammadan law, but only provides that the best and most authentic evidence of marriage shall be registration. I must differ with him. That clause goes much further than that. It alters the substantive law of Muhammadan marriage. It enacts that the fact of registration shall be the most essential, and indeed the only efficient, ceremony in the Muhammadan marriage. Whatever other ceremonies may take place, if this one ceremony of registration does not take place, the marriage is not a valid marriage. I have been expressly warned by my Muhammadan friends that, according to the Muhammadan law, marriage consists of a proposal on the part of the bridegroom, an acceptance on the part of the bride, in the presence of witnesses, and a payment or a stipulation for payment of "Mohr" or dower by the bridegroom to the bride. These are the three requirements of the Muhammadan law to constitute a valid marriage. The "Kadutham" or written agreement and the *thali* are only social customs. The proposal, the acceptance, and the agreement to pay "Mohr" are effected by spoken words in the presence of witnesses. The intervention of a priest or a written document is not essential. That is the law of the Prophet. The magic of the marriage ceremony lies in those spoken words. Hereafter, those spoken words shall have no power or efficacy by themselves. The only thing that shall make marriage is registration. All the requirements of the Koran may have been duly observed, the law of the Prophet may have been fulfilled to the letter, but, if registration is not made, the marriage will not be a valid marriage. If that is not an alteration of the Muhammadan law, I do not know what else is.

I cannot understand why so great a change should be imposed on the Muhammadans, while their brethren, the Hindu Thamils, are allowed greater freedom. With them, as indeed with the maritime Buddhists, registration is the best proof of marriage, but not the only mode of proving it. There are several cases decided by the Supreme Court to the effect that registration is not necessary to make a

marriage valid. In the last case between Hindu Thamils, which came up for argument in appeal two months ago before the Collective Court, and in which my Hon. and learned friend the Attorney-General and I appeared on opposite sides, it was held that an intention to marry, followed by cohabitation as man and wife, was sufficient to constitute a valid marriage, but that if the parties, in evidence of their intention, took any of the steps provided in the Registration Ordinance, they should fulfil all the formalities thereunder and have the marriage actually registered, otherwise the marriage would be no marriage.

I suppose it was to obviate uncertainty that my hon. friend has thought of compulsory registration for the Muhammadans. But then, our experience of compulsory registration amongst the Kandyans ought to be a warning. As a remedy for the oft-disputed cases of paternity which flooded our Courts in the Central Provinces, the Ordinance No. 3 of 1870 enacted that no marriage amongst the Kandyans should be valid unless registered, but as the Kandyans were not advanced enough to receive so advanced an English idea, they did not profit by it. On the contrary, they have been grievously injured by it, for much of their progeny created since 1870 remains bastardized to this day. The Muhammadans are not a bit more educated than the Kandyans, but are far more fanatic about their religion, and therefore far less likely to attach importance to the legal idea of registration. I have hardly any doubt, Sir, that it was fear of bastardizing the children of the Muhammadans that made Mr. Worthington suggest that registration should be optional with them.

On whose authority the Bill now before us has made registration compulsory I do not know, but I will ask the Government to consider whether it may not be desirable to educate the Muhammadans gradually up to the point of registration by enforcing this Ordinance at first within limited spheres. Let us see how it will work amongst the most advanced sections of the community. Let us proclaim the Ordinance in say Colombo, Galle and Kalu-

tara. We have been memorialized chiefly by the inhabitants of these three places. Even amongst them there are very grave differences of opinion, but I cannot bring myself to think that the 25,000 Muhammadans in Colombo, even if they were unanimous, and a few more in Galle and Kalutara, can possibly represent the wishes and wants of the 150,000 Muhammadans who are to be found in other parts of the island. They are more ignorant of European modes of thought and more prejudiced, and my hon. and learned friend himself confesses that in many parts of the island the Muhammadans go without priests. Fancy then their condition! Is it right that their progeny should be exposed to the danger of being bastardized.

I am strongly in favour of a scheme for registering the "Kaduthams" only, and not interfering with the Muhammadans in any other way. The dangers of compulsory registration of marriage appear to me to be very great. Clause 20 in the Bill is fearfully incisive, making, as it does, the test of a Muhammadan marriage depend on the fact of registration. The consequence would be much the same as those which have arisen under the Kandyan Marriage Ordinance. Such are my views, Sir, and I leave hon. members to deal with them as they like. There are many other points upon which I would have dwelt, but my hon. friend has made several concessions; I shall therefore not detain the Council any longer, but shall reserve for the sub-Committee my remarks upon the details of the Bill.

[The Bill being referred to a sub-Committee, many modifications were adopted, but the Government would not agree to making the registration of marriage voluntary. When the Ordinance was passed, the leading Muhammadans of Colombo, including the Turkish Consul, feted Mr. Ramanathan at their Club and desired him to interview the Secretary of State for the Colonies, during his forthcoming visit to England, and press for the disallowance of the Ordinance. His efforts in this behalf were crowned with success. The Ordinance was disallowed and returned to Ceylon for amendment.]

ON THE ESTIMATES OF PRODUCE AND TRAFFIC MADE BY THE GOVERNMENT IN SUPPORT OF THE PROPOSED RAILWAY FROM NANUOYA TO HAPUTALE.

(13TH JANUARY, 1886.)

On the 13th of January, 1886, the Colonial Secretary (the Hon. Mr. CLEMENTI-SMITH), moved the second reading of an Ordinance to raise a loan of £550,000 sterling for the construction of a line of Railway from Nanuoya to Haputale, and a line from Kalutara to Bentota. MR. RAMANATHAN'S criticisms to the effect that the Bill was premature, that the statistics of traffic gathered in support of the railway to Haputale were not reliable and needed revision, and that the agricultural, commercial and financial condition of the Island did not permit the general revenue to bear the strain of the interest and sinking fund charges, were considered by the Government to imperil the safety of the Bill and the loan. For, H. E. THE GOVERNOR (Sir Arthur Hamilton Gordon) in his reply said:—

"I will not conceal from you, Gentlemen of the Legislative Council, that my task in pressing forward this great work has been made more difficult by his action, that he has thrown a fresh obstacle, perhaps a fatal obstacle, in the way of the accomplishment of what I believe to be the desire of this Colony. I do full justice to his spirit of independence, to his conscientiousness and to the purity of his motives, but I cannot keep myself from forming the opinion that he has, from the most conscientious and pure motives, done such damage as will go far to outweigh the manifold services he has already rendered to the Colony."

The following is what was called at the time "the unanswerable speech" of MR. RAMANATHAN.

MR. RAMANATHAN said:—

Sir, the Bill before us empowers the Government to raise a loan for the extension of the railway to Haputale, even though the Secretary of State has expressly refused to give his sanction.

I am not averse to railway extension, nor even to the extension to Haputale, but with my present experience of coffee enterprise and the unsatisfactory nature of past estimates of produce and traffic, I am anxious to get more reliable and more recent data before I could give my adhesion to the Bill. I have gone over the country which is intended to be tapped. I have read up all the available mass

of literature on the subject, and I have given my most earnest consideration to the question now before us. I have been obliged most reluctantly to arrive at an adverse conclusion.

I say "most reluctantly," because to-day I have to unsay what I said in Council seven years ago, in 1879. That was the year in which my hon. friend who represents the European Planters introduced his motion in support of the extension to Haputale. I supported him then, taking on trust the data placed before me. Much of those data must be rejected at the present day. For instance, in the season of 1878-79 our shipment of coffee was 824,500 cwt.; now it has gone down to 324,000 cwt.; a fall of 64 per cent. With change of data, my opinion has also changed, and I must lay aside my feelings of reluctance and express truly to hon. members the results of my study.

It is open to us in the course of a few months to reconsider our estimates by the light of more accurate data. Your Excellency, I have heard, is going to appoint a Commission for this purpose. The present Bill should be postponed till then. When the results of this Commission's investigation are laid before us, we shall be able to deal with the subject with greater confidence. The Government has introduced this Bill prematurely and I am obliged to speak out of my mind.

The extension contemplated begins at Nanuoya, passes Ambawela and Indulgashena through an almost uninhabited country along the ridge of mountains and ends at Haputale Pass. The distance is 26 miles. The cost of the extension is estimated at Rs. 6,000,000. The interest and sinking fund on this outlay amounts to Rs. 300,000, which as usual will be a charge on the general revenue till the capital loan is liquidated. But there are other charges also on the general revenue. I leave out of consideration the Harbour Works loan because it is a profitable work and pays the interest and sinking fund. I pass also the small Irrigation loan. The Matale Railway has cost us Rs. 3,560,000 and carries by way of interest and sinking fund Rs. 165,000. The Nawa-

lapitiya-Nanuoya branch cost us Rs. 10,000,000 and carries by way of interest and sinking fund Rs. 600,000. And the Colombo Water-works loan which amounts to Rs. 3,600,000 carries by way of interest and sinking fund Rs. 174,500. These three items of interest and sinking fund amount to Rs. 939,500, add to it Rs. 300,000, the interest and sinking fund of the Nanuoya-Haputale section, and the total charge on the general revenue rises to Rs. 1 240,000. The question is, are we justified, as matters stand now, in making this sum of Rs. 1,240,000 as a first charge on our general revenue, which last year amounted to about Rs. 12,400,000.

It has been attempted to prove that the traffic of the new extension will cover the interest and sinking fund payable by it, and even yield a good margin for the part payment of the deficits in the earnings of the other lines. The problem has been worked out in this way. Haputale, Badulla, and Madulsima being the districts tapped by this extension, it was estimated in 1878 by the then Traffic Manager, Mr. Murdock,—and that estimate was accepted as correct by the Railway Commissioners in 1878, and by the Chamber of Commerce in 1880—that the four stations on the extension line would catch up 50,000 tons of coffee, rice and manure, and would yield a nett profit of 4.13 per cent. on the outlay, and that, if the traffic so caught up, were conveyed over the Nanuoya-Nawalapitiya section, the nett profit on the whole line from Haputale to Nawalapitiya would be 9.37 per cent. Notwithstanding the assertion of the Railway Commissioners and the Chamber of Commerce that Mr. Murdock's estimates are correct, the Government gave us last year another estimate which in its details is very different from Mr. Murdock's estimate. His estimate of 1878 has thus been practically condemned. I do not know who is responsible for the new estimate of 1885. All I learn from Your Excellency's despatch is that the rates have been calculated by Mr. Pearce, the Railway Manager, after Mr. O'Brien had the manipulation of—

HIS EXCELLENCY THE GOVERNOR:—Had the what?

MR. RAMANATHAN:—The manipulation—

HIS EXCELLENCY THE GOVERNOR:—That is not a nice word to use.

MR. RAMANATHAN:—If Your Excellency does not care for that word, I shall use as its equivalent a good Anglo-Saxon word "handling," of the figures. The return of produce having been supplied by Mr. O'Brien, I shall call the estimate rated by Mr. Pearce, Mr. O'Brien's estimate. According to this estimate of 1885, the traffic is reduced to 27,000 tons. The Council has not yet been told how this tonnage, so different from Mr. Murdock's tonnage, was arrived at. The details of Mr. O'Brien's estimate is as follows:—"The down traffic to be conveyed to Colombo is put down for Haputale at 3714 tons, for Badulla at 2246, and Madulsima at 745 tons, making a total of 6,705 tons, which Mr. Pearce says can be carried down to Colombo at Rs. 33.50, without fear of competition with carts or loss to the railway. The total value of the down traffic is thus Rs. 223,276. As regards the up-traffic, Mr. Pearce says that, as a rule, there is three times as much up-traffic as there is down traffic. If 6,705 tons be the down-traffic, he says the up-traffic would be 3 by 6,705 or 20,115 tons. He then says that usually nine-tenths of the up-traffic consists of rice and second class goods, and the remaining one-tenth of manure and third class goods. Upon the basis of this experience of his, he makes out that nine-tenths of 20,115 tons at Rs. 41.90 (rate from Colombo to Haputale) would yield an income of Rs. 758,557, and one-tenth of 20,115 tons at Rs. 24.35 would yield Rs. 48,968. The up-traffic would thus amount to Rs. 807,525. Adding to this the down-traffic, the total income would be Rs. 1,030,801. Deduct from this sum fifty per cent for the working expense of the railway, the nett profit, we are told, would then be Rs. 515,400, equal to 8.10 per cent. You will remember that though Mr. O'Brien's tonnage is put much lower than Mr. Murdock's, yet his estimate of the traffic is passed upon the rates payable all through the line between Colombo and Haputale. Mr. Murdock's estimate is based upon rates ruling only between Nanuoya and Haputale.

The details of the two estimates are thoroughly different, but the result is made to be much the same as regards the nett profit. Can such estimates be relied on? Where did Mr. O'Brien obtain his tonnage from? Has it been checked by a body of independent men? It is upon these points that we want further information. Let the Commission intended to be appointed investigate these matters and furnish their report. We shall then be able to make up our wavering minds.

My experience of the past has considerably shaken my belief in Railway Estimates of traffic in Ceylon.

In 1876 the Railway Commissioners, consisting of Messrs. Birch, Fyers, Morse, Robinson (Traffic Manager), Downall, White, Wall and Duncan, reported on the Matale extension and wound up in these emphatic words:—"We are satisfied that this extension will pay 5½ per cent on completion with every possibility of 8 per cent within a short period." Bitter experience has completely falsified our prophets, because the actual earnings of that branch line have for many years not even covered its working expenses. In 1880, 1881, 1882 and 1883 it was worked at a loss, and in 1884 it yielded a profit of only ½ per cent, or to be more exact, 0.6 per cent, and of course the general revenue has been paying for this huge blunder. If we turn our attention to the Nawalapitiya-Nanuoya section, the then Surveyor-General estimated 95,000 cultivated acres of coffee as the area to be tapped, and Mr. Murdoch, the Traffic Manager, estimated the goods traffic, viz., coffee, rice, manure &c., at 100,000 tons, and foretold a nett profit of 6 per cent. The Secretary of State was not quite so sanguine, but yet he sanctioned the line in deference to the outcry in Ceylon, and accepting the promise of the planters that they would guarantee 6 per cent profits by using the railway at certain rates. And the Railway Commission, consisting of the Colonial Secretary, the Surveyor-General, and Messrs. Downall, Murdock, Wall, Duncan Smith and Gibbon, recommending certain rates, said, "they are calculated to pay from land now in cultivation a fraction over 6 per cent on the estimated outlay," and added to their

report of 22nd August, 1878, "those rates might be imposed upon this section without fear of competition with transport by cart via Ratnapura, or hindering the proper development of the railway traffic." False prophets again! for, the line has been worked at a great loss, and in the last returns before us, those for 1884, the line has yielded only a quarter per cent on the outlay. The glowing descriptions of 95,000 cultivated acres, 100,000 tons of goods, successful competition with carts, 6 per cent profits and guarantees, have been vain, empty words. All have vanished into thin air. As to the future of that line, in your despatch to the Secretary of State dated 19th June last, you expressed your "conviction" that it "cannot prove a success." Mr. Downall, who with his fellow-commissioners must bear the responsibility of these grand blunders, has altered his ways of thought and, ignoring promises of guarantee, has got the leave of the Council this month to reduce by 38 per cent the existing railway rates, in the hope of making the line to pay. Let the future determine the success of this move. The interests and the sinking funds of this line and the Matale line are taking away heavy slices out of our general revenue, I think about Rs. 750,000 a year.

It is in this condition of affairs that we are asked to add to the burdens of the colony by Rs. 300,000 more, which is the interest and sinking fund of Rs. 6,000,000. I say, let us pause for a moment before we take the final leap. Let us wait till the inquiries of the promised Commission are over. Let us revise our estimates upon a surer basis, and let this work of revision be done by others than those who have sat on the two previous Commissions. We are in too great a hurry to pass this Bill. Oh! say the supporters of the extension, it is not the right thing to speak of the failure of this or the other section; you must lump all the sections together and see if the whole system is not paying.

I shall show presently how the whole system does pay, but our systematic policy has been to test every section by the rule of "will it pay?" Any other policy would be dangerous when our financial condition is low. Separate estimates for each

section have been the rule with us. If 25,000 acres of cultivated land and 50,000 tons of traffic estimated for the Matale line have laboured to produce only ½ per cent as a reality; if 95,000 cultivated acres in Ambegamuwa, Dikoya, Maskeliya, Dimbula, Pundaloya, Udapussellawa and New Galway have combined to produce only ⅓ per cent, what guarantee or even reasonable certainty is there that the 45,000 acres of cultivated land in Haputale, Badulla, Passara, Madulsima and Hewa Eliya would catch the 50,000 tons of Mr. Murdock or even the 27,000 tons of Mr. O'Brien? What with the disturbing elements of variable seasons, leaf-disease and insect plague, I am strongly inclined to think that the over-sanguine temperament of our Railway Commissioners has contributed not a little to the unreliability of our estimates.

After all, sir, the question of tonnage of traffic depends upon the success of the coffee enterprize. I shall read to you Mr. Ferguson's view of the prospects of coffee, which is given at p. 412 of his Directory just published:—"It is evident that, whatever revival well-cultivated coffee on plantations may show in a favourable season, such improvement is not shared to the same extent by native gardens, which as a rule, suffered far more during the height of the fungus epidemic. Taking the extremes of the decade, we find that plantation coffee has gone down from 855,661 cwts. to 312,458, or about 64 per cent, while the export of native coffee last season was only 10 per cent of what it amounted to in 1874-75, although about that time we were accustomed to say that a good deal of native coffee was prepared and shipped as plantation coffee. The lamentable part about our coffee exports at present is the great decrease in value as well as in quality. Taking season 1878-79, for instance, when we shipped 824,509 cwt. of both kinds, the average value was probably as much as Rs. 53 per cwt., whereas we cannot put down the average just shipped at more than Rs. 37. This is where the shoe pinches the coffee planter at the present time. Had the value of his staple kept up, the contrast, when new products are taken into account, would

not have been so bad; but the loss of 33 per cent in value, besides 64 per cent in coffee, is almost crushing." And Mr. Ferguson continues:—"The latest reports of light coffee in Matale, Dumbara, and Haputale due to persistent drought are far from encouraging. Fifty per cent is the rule in some quarters, and six bushels to the cwt. is the unprecedented scale spoken of as likely to rule a good deal of parchment coffee from the districts referred to........After duly weighing our authorities, we are inclined to adopt 370,000 cwt. as the nearest approximation which, with 15,000 cwt. native, would give a total of 885,000 cwt. of coffee to be exported in season 1884-5." In fact, sir, the fall in the production of coffee has been so regular and constant, and the signs of the times are such, that there is growing in our midst a belief—may it prove untrue!—that a time is yet to come when coffee even in Uva will fail, as it has failed in other parts of the mountain zone.

Unfortunately for us, commercial depression adds to the burdens of agricultural depression. Coconut oil, coir, cinnamon and plumbago have not found fair prices. Our revenue from arrack has fallen, not because, as your Excellency said, there was a Russian scare, but because the people are too poor to indulge in that luxury. So our tolls have fallen, from Rs. 445,000 in 1876 to Rs. 278,000 in 1885.

Our Railway receipts on the whole system of our lines have fallen too. In 1880 the main line between Kandy and Colombo paid as nett profit 8.1 per cent; in 1881, 7.7 per cent; in 1882, 6.3 per cent; in 1883, 5.9 per cent; and in 1885 only 5.5 per cent. If we strike an average for 1884 for all the lines serving the coffee districts, viz., 5.5 for the main line, 4.5 for the Nawalapitiya section, 0.6 for the Matale section, and 0.3 for the Nanuoya section, the result is a nett profit of only 2.7 on the entire system. We are indeed in a depressed state, and if by any chance the Haputale section does not pay, even the 2.7 per cent profit now left to the island will be wiped out. I, therefore, feel strongly that I must speak out and ask Hon. Members to wait and study the question on the basis of the revised

estimates which the new Commission may supply us with.

I have hitherto considered the Bill on the merits of the question it raises. Let me now pass on to a question of procedure. The Secretary of State is not satisfied with the facts already laid before him: he wants further facts, more recent and accurate data. Instead of furnishing facts, we thrust upon him our opinions. He says, in so many words he has had enough of opinions from the Legislative Council, the Planters' Association, the Chamber of Commerce and the Press; and yet we would now thrust on him once more our opinions. For, Your Excellency says in your Message to us that the object of the Bill is to convey to the Secretary of State, "the most emphatic and formal evidence of your (our) wish," and, if he sanctions the extension, to commence operations without delay. To my mind it is not proper that, like refractory children, we should go directly against his legitimate advice to consider the question carefully upon more reliable data. He refuses to sanction the railway except upon more satisfactory data, and we say, "whatever you may do, we shall pass an ordinance authorizing the loan; you may veto it or not as you like." For my part, the disinterested advice of three Secretaries of State ought not to be treated in this spirit. I do not understand the procedure of Your Excellency. In my opinion it is neither right nor respectful.

[The second reading of the Bill was carried, the only two members voting against it, being MR. RAMANATHAN and MR. ALBERT DE ALWIS (the Sinhalese Member), who handed, in the following week, their written protest against the passing of the Bill, in which they said, "We have argued the question fully. We venture to think that the facts and figures quoted by us have not been controverted by any of the speakers who took part in the debate, and that their observations on the general utility of railways and the protection of native interests are foreign to the financial basis on which the discussion was started We would also humbly state that the severe criticisms which H. E the Governor has passed on us are not likely to conserve the independence of Un-official Members of this Council."]

ON THE HISTORY OF IRRIGATION POLICY IN CEYLON, AND ON ITS PRESENT REQUIREMENTS.

(14TH DECEMBER, 1886.)

The Hon. MR. SAMUEL GRENIER (Attorney-General) moved the second reading of a Bill entitled "An Ordinance relating to Irrigation Works," embodying the proposals sanctioned by H. E. Sir Arthur H. Gordon. The main features of the Bill were that it provided for a special irrigation fund by means of an annual appropriation of a part of the grain taxes levied in Ceylon towards the cost of irrigation works, and created a Central and Provincial Irrigation Boards with the object of securing a more judicious and equable distribution of available funds than was possible under existing arrangements.

MR. RAMANATHAN seconded the Attorney-General's motion in the following exhaustive speech.

MR. RAMANATHAN said :—

I have much pleasure, Sir, in seconding the motion of my honourable and learned friend. This Bill forms now the keystone of the policy of irrigation which the Legislative Council has pursued since the year 1848, when Lord Torrington set his *fiat* on the first Ordinance on the subject. That policy under the English has had a checkered history.

A few years after the British Government took charge of our destinies, Sir Thomas Maitland in 1806 proposed the repair of the Giant's Tank, and his successor Sir Robert Brownrigg was also in favour of the scheme, but nothing was done till the interest of the local authorities was roused by Turnour's Translation of the "Mahavansa," and Upham's "Compendium of the Rajavali," in which occurs the famous passage that "because, by the neglect of tanks, the fertility of Ceylon was diminished, the kings who succeeded Maha Sen (A. C. 302) were no longer reverenced as of old." Turnour did more than merely invite public attention by his writings to the neglected state of the ancient tanks. As Colonial Secretary he was able to carry out the repair of some of them in the Vanni district, but with his death they fell again

into disrepair. Luckily for Ceylon he was succeeded in office by another man of great literary tastes, who became deeply impressed with the duty which the Government owed to the people in regard to the repair and maintenance of irrigation works. That was Sir Emerson Tennent. In an excellent report, dated 22nd October, 1846, which he wrote on the agricultural and financial crisis which the Island was then going through, he suggested among other things, that "the early attention of the Government should be directed to the necessity of a survey of the neglected rice districts and an examination of the abandoned tanks, with a view to ascertain the cost and practicability of repair, their effect upon cultivation if completed, and the prospect of remuneration, direct or indirect, to the Government for any outlay or advances which it might make." The Committee of distinguished officials, whom Lord Grey appointed in England in 1847 to consider and report upon the finance and commerce of Ceylon, observed, with regard to Tennent's proposal, that the construction and repair of tanks had for many years occupied the attention of the Government of India with results pregnant for good, and that similar happy results would accrue to Ceylon if the same policy were adopted. They, therefore, recommended that "steps should be at once taken for a general survey of the tanks in Ceylon, and for an estimate of the cost of repairing such of them as can with the least difficulty be put into an effective state." And they proposed for this purpose that the temporary services of some officer who had been employed in India on similar duties, accompanied perhaps by some of those natives of India who had worked under him, should, if possible, be obtained from the East India Company, and that he should be instructed to prepare a report showing the order in which the principal tanks might be most usefully repaired, with the probable expense of each work. They further proposed that, of the revenue available for public works, a certain portion should be annually devoted to the repair of tanks; that every inducement should be held out to the native population to co-operate with the Government,

and that the maintenance of the tanks, when once repaired, should be entrusted to local authorities subject to the inspection and control of the Central Government. Earl Grey in his despatch dated 18th June, 1847, recommended this proposal for the acceptance of the Governor, who then was Lord Torrington. Sir Emerson Tennent lost no time in carrying through the Legislative Council the Ordinance No. 14 of 1848. It authorized the District Road Committee, appointed under the Road Ordinance No. 8 of the same year, to apply the surplus of the labour and moneys collected under that Ordinance towards the formation and repair of public tanks. Lord Grey, however, was unable to sanction this scheme. In his despatch dated 24th January, 1849, he pointed out that it was improper to carry out irrigation works out of the produce of a general uniform and compulsory contribution, like that imposed by the Road Ordinance and under the direction of committees like those thereby constituted, and he proceeded to state his views on the lines on which the irrigation scheme should be worked. That masterly document is, I may say the charter of our irrigation policy, and I, therefore offer no apology for quoting some passages from it.

His lordship said, "It would be perfectly warrantable for the Government of Ceylon to come forward with contribution of money in aid of such works from the general revenue. For the share of the produce of all rice lands (except those attached to temples), which is by the law and custom of Ceylon vested in the Government, makes the Government a party directly interested in the improvement of such lands; and rice land and irrigable land may, I believe, be considered nearly synonymous terms in Ceylon .... I would particularly refer your Lordship (Torrington) to the experience of India where the public money is habitually contributed, upon the principles I have explained, to extensive works of irrigation, and very rarely without a most ample return in direct augmentation of the land revenue, independent of those still more important indirect advantages which follow from the success of such works

in diffusing general prosperity, of which the government is eventually sure to share the benefit, financially as well as generally,........... The success, where most signal, of the works of irrigation which have thus been undertaken in India under the auspices of Government, has been without doubt due, first, to the efficiency and discretion of the European functionaries employed to direct the proceedings, and, secondly, to the existence of municipal institutions by means of which the European functionary has been enabled to ascertain the sentiments of the community, to adopt his measure to their feelings, habits and interests, and to organize an effectual and cheap co-operation of all classes for carrying the work into execution .... I see nothing in the character of these measures and precautions which is not applicable to Ceylon. The European agency of Government, it is true, does not exist in Ceylon in equal efficiency. The native municipal agency as yet cannot be said to exist there at all." The Secretary of State was, of course, mistaken in saying so, because Village Communities and Gansabhawes existed in Ceylon from the remotest time; but to continue, his lordship said:—"It appears to me quite possible that your lordship (Torrington) should select a well-qualified officer of the Government to conduct a preliminary inquiry with a view to a practical trial of the plan; that he should address himself to some instance in which the cultivators might be most anxious for the restoration of their tanks, and this the most likely to be profitable, upon a moderate outlay; that he should assemble the inhabitants interested to discuss the subject, define by regular agreement the respective contributions of the Government and of the inhabitants to the undertaking, and the proportions in which the two parties were also to share the profits; stipulate for money, labour and material according to the necessities of the case, and organize some description of local committee as the medium of communication between himself and the inhabitants, if no body of an elective or corporate character existed in the place at the time........... The state of the law or custom in Ceylon may render legislation an indispensable preliminary

to the adoption of such a procedure as I have here advised. But any Ordinance on the subject should be kept entirely separate from the enactments requiring contributions towards the construction and repair of roads."

During the political complications of 1848 and 1849, it was perhaps not easy for the Government of the day to devote its energies to the restoration of tanks, but the simultaneous departure of both Lord Torrington and Sir Emerson Tennent from the island in 1850 caused the development of the irrigation policy to be suddenly arrested. Sir George Anderson the new Governor, occupied himself during his tenure of office with reforms in the administration of justice, collection of customs, and so on. He does not appear to have given his attention to irrigation at all, even though a famine laid waste the already impoverished Northern Province, the premier province of the island as regards tanks and canals.

As soon as Sir Henry Ward came to the Island in succession to Sir George Anderson, he was flooded with petitions praying for the restoration of tanks. In his first address to the Legislative Council delivered in July, 1855, Sir Henry Ward says: "The petitions that have reached me on the subject of irrigation, short as my stay has been amongst you, exceed both in number and in the respectability of the signatures those that have been presented upon any other." He proposed a vote of Rs. 500,000 in 1855 as a fund for irrigation purposes and stated as his conviction that "not one shilling of this money need be laid out unproductively." He also called on Government Agents for reports on irrigation.

To Mr. J. Bailey, then Assistant Government Agent at Badulla, belongs the honor of having written the most thoughtful of these reports on the subject. He seems to have profited vastly by the suggestions of Lord Grey made in 1847 and 1849 in respect of the necessity of studying the Indian and Lombardo-Venetian systems of irrigation. His mind thus stored was able to examine critically the rules and customs of irrigation prevailing in Badulla District. The results of his observations are contained in a report, dated 19th Decem-

ber, 1855, which Governor Ward says he had read with much pleasure and profit. After illustrating the operation of irrigation customs, Mr. Bailey recommended the enactment of simple protective laws to restrain the cultivators from robbing each other of water; to oblige all to take an equal share in the usual labour, which was for the good of all; to observe the customary rotations of irrigation; to provide against wanton injury to the irrigation works; to prevent new land being irrigated by any existing watercourse or tank, without permission; and he suggested that Government Agents and their Assistants should be given the power of Magistrates to decide summarily and on the spot, or as near as necessary, all disputes relating to irrigation. He concludes by saying "that local customs, upon which I would found legislation, appear to me to point out to us the means hereafter of forming associations for irrigation, from among the proprietors of the lands irrigated by any large watercourse to whom the almost entire control of the irrigating channel might be entrusted, the Assistant Agent being the president. The native municipal institutions which have been so instrumental in the successful development of irrigation in India did not exist in Ceylon; but we cannot say that the elements for the formation of something more nearly approaching a corporate body than the local Irrigation Committee suggested by Earl Grey in his able despatch of the 24th January, 1849, do not exist which may form the nucleus of a system of association."

Hon. members will perceive that Mr. Bailey made the same mistake as Lord Grey in believing that Village Councils, the life of irrigation works, were not in existence in Ceylon. However that may be, Mr. Selby, who was then our Queen's Advocate, saw the difficulty of the Legislative Council attempting to ascertain the local customs which must in the nature of things be numerous and various, and therefore devised, with Sir Henry Ward's approval, the scheme which we find enacted in the Ordinance No. 9 of 1856. It was to come into force on the 1st January, 185, and to continue till the 31st December, 1861. Proprietors

of paddy lands were authorized to appoint a committee to draw up a collection of ancient customs in regard to the irrigation and cultivation of paddy lands and the maintenance of the water rights of the different proprietors. The rules so drawn, if approved by the Governor, were to be legal and binding upon proprietors in each irrigation district. The breaches of such rules were to be heard and determined by Village Councils, which the Government Agent was empowered to nominate, and the offender was liable to a penalty not exceeding twenty rupees.

It will now be clear that, though Sir Henry Ward some three years after the passing of this Ordinance said it was founded upon Mr. Bailey's report, the fact was that Mr. Selby framed the Ordinance almost exclusively on the suggestions made by Lord Grey in his despatch of 1849. I have already said that I look upon it as the charter of our irrigation policy.

At the close of the tentative period prescribed by the Ordinance No. 9 of 1856, the scheme which was found to work well, was re-enacted, with a few alterations in detail, by Ordinance No. 21 of 1861 which was to be in force till the 31st December, 1867. On the 10th November, 1866, my predecessor in this chair, Sir Coomara Swamy, presented a petition from certain Sinhalese and Tamil inhabitants in Ceylon, praying that a portion of the revenue of Government may be expended annually for the repair and upkeep of irrigation works." On the same day, too, the Council, on the motion of Mr. Smith, appointed a Committee of six of its members to receive evidence and report on the existence of any localities in the island where public money or private capital might be expended on irrigation or other works likely to tend to an increased production of the food of the people."

It was not till their report was laid on the table of this Council in 1867, that the public were aware that there existed, mostly in ruins, about five thousand tanks and canals, scattered about in the Districts of the Northern, North-Central and Southern Provinces, in localities depopulated centuries since, by causes into which I need not enter now,

In consequence of the recommendations of the Committee, the Ordinance No. 21 of 1867 was passed, which the Bill before us to-day calls the principal ordinance. It provides for a public meeting of proprietors for the threefold purpose of forming irrigation districts, for determining whether those districts should be under the control of headmen or Village Councils, or of both, and for appointing a committee to frame rules for the enforcement of the irrigation customs. It prescribes the mode of election of and the duties to be performed by the headmen and Village Councils; and that irrigation works are to be made by contribution of labour or money on the part of the proprietors as determined by a majority of them at a public meeting. If Government aid is necessary, the Government Agent is authorized to apply to the Government, and the Governor is empowered to refer the application with plans and estimates to a Board, consisting of the Government Agent, Surveyor-General, and Director of Public Works, for report, and upon their report to sanction such work. The sum expended by Government is to be repaid by the proprietors, according to an assessment to be made by the Government Agent, in ten equal yearly instalments, and the rates due by each proprietor are made a first charge on his land with precedence over all encumbrances. The Ordinance finally prescribed the mode of recovering these rates when past due. Sir William Gregory, finding that the proprietors were in many cases, where the cost of the work was large and instalments proportionately heavy, unable to pay the yearly instalments, introduced the Ordinance No. 2 of 1873, by which the proprietors are given the option of determining that the sum advanced by the Government may be repaid by ten yearly instalments as provided by the Ordinance 21 of 1867, or that the lands shall be liable to a charge in perpetuity at the rate of one rupee an acre, which in the language of the Ordinance is "for interest on the sum so expended and the cost of up-keep, which shall be borne by the Government. The amending Ordinance also empowers the Governor to construct irrigation works in the Districts of Nuwarakalaviya and Tamankaduwa, irrespective

of the provisions of the principal Ordinance No. 21 of 1867, and, upon his declaration that a district therein has been irrigated, the lands benefitted by such irrigation work becomes liable to a charge not exceeding one rupee a year in perpetuity. The Ordinance No. 2 of 1874 extends the operation of the Ordinance No. 2 of 1873 to the Districts of Mannar and Mullaittivu. Such is the history, and such the nature, of the machinery which Your Excellency found upon your arrival in 1883.

In order to understand the true value of the Bill before us to-day, let me now turn to the manner in which your predecessors have worked that machinery. At what pressure and with what success have they used it for the good of Ceylon? Sir Henry Ward, as the founder of the system, kept it in constant motion. He went about the country in all directions, made himself familiar with the wants and wishes of the people, and egged on the Government Agents and their Assistants. In one of his Circulars to the heads of departments, he says: "His Excellency is satisfied that the working of the measure will depend mainly on the pains taken by Government Agents and their Assistants." Between 1855-60, he expended on the scheme Rs. 786,000. During the next four years, 1860-64, the machinery had grown rusty indeed. Hon. Members can judge of the state of things in Ceylon during this period by a paragraph in the reply of the Legislative Council to the opening address of Governor O'Brien:—"The Council desire to record their dissatisfaction and discontent that revenues have been exacted for several years so far beyond the requirements of the Public Service and so much larger than could be devoted to public purposes; and they further complain that whilst the revenues have been so abundant, the efficiency of nearly every public department has been seriously impaired by the parsimonious policy of the Government." Amongst the un-officials who proposed and carried this paragraph were such giants as George Wall, James Alwis, and Lorenz. Not even they were able to force the hands of an apathetic and ignorant Government. The surplus of revenue over expenditure in 1864 was something

like Rs. 3,000,000. Sir Hercules Robinson came in good time. Between 1865-71, he expended Rs. 1,045,000 on irrigation works, or as another return gives it Rs. 642,599. I am unable to explain this discrepancy. Sir Hercules also revived Gansabhàwas, which tended considerably to strengthen and consolidate the corporate life of the villagers. Sir William Gregory continued with even greater success the work of his predecessor, for between the years 1872-77 he expended on irrigation no less than Rs. 1,768,000. During Sir James Longden's tenure of office, 1877-83, things moved like a Dutch canal, but his excuse was a falling revenue. Considering, however, that some public works undertaken by him were of doubtful utility, I believe he might have done more than he did for irrigation. At all events, the history I have given only shows that, whether in times of prosperity or adversity, we have to guard against the tendency of Governors and Governments to starve irrigation works, to carry them on intermittently or spasmodically. Some time before Mr. George Wall left Ceylon, he said to me in conversation, when I met him at Matale on my way to Anuradhapura, "Many of our countrymen are buying lands under the tanks, and I have no doubt appropriation of lands will continue in the tank districts."

It has fallen to you, sir, to crown the work of your great predecessors Sir Henry Ward, Sir Hercules Robinson, and Sir William Gregory, with a measure which has in view the steady maintenance and restoration of tanks and elas. You have in this Bill given effect to the policy chalked out by the committee of high officials in England in 1841, to the policy emphasized by Lord Grey in 1849 and accepted by Sir Henry Ward in 1855, to the policy prayed for by the petitioners whose case was represented in Council by the late Sir Coomara Swamy in 1866. No longer shall the fertility of rice fields in the tank districts diminish. No longer shall the complaint of the historian of the Rajavali apply to the British Government. You, Sir, have earned the gratitude of Thamils and Sinhalese alike.

That was a great triumph of yours when you procured the

reduction of the military contribution. Great also was your act when you averted a general calamity by guaranteeing the notes of the Oriental Bank. To-day you have achieved a third triumph. It is open to you, Sir, to earn another great triumph by carrying the railway to the North, right through the irrigation districts and making them a complete financial success. You have heard the opinion of my hon. friend, the European Planting member, as regards the comparative merits of the railway northwards and southwards. He has expressed his preference, on grounds of remunerative character, in favour of the northern extension. As a gentleman who has long resided in the country, who has critically studied its wants and who has a large experience of railways and railway extensions, his opinion is entitled to the highest weight; and it remains for you to act up to that opinion and the opinions of the leading men whose case I pressed in Council the other day, and to sanction the railway to the North.

I would now beg to refer to some matters of detail in the Bill before us. It provides that the cost of the construction, repair and improvement of the irrigation works when undertaken under sections 9, 10 or 14, the lands benefited by such works and the proprietors whereof shall become and be severally bound to repay the cost of such work. This would include a class of irrigation works, the cost of which it has never yet been our policy to recoup. Sir William Gregory in his last address to the Council in 1877 said:—"We have now three systems at work in respect to irrigation in Ceylon: (1) where construction is executed by Government and the cost repaid by ten instalments, it being intended by the Government in 1867 to assess the land owners for maintenance and repair at the end of ten years, though such intention is not embodied in the Ordinance; (2) where construction is executed by the Government and the cost of such construction and of maintenance and repairs is defrayed by a water-rate of one rupee per acre in perpetuity; (3) where the villages do all the work of repairing and maintaining their bunds, the Government supervising the work

and gratuitously supplying the masonry and iron sluice gates." Hon. members will now see that the expenses incurred by the Government in the last class of irrigation works were never intended to be repaid by the land owners. When I called the attention of my hon. and learned friend the Attorney-General to this fact, he admitted the necessity of amending the Bill and has to-day got the leave of the Council to make the necessary amendments, but I doubt whether the general words he has employed are clear enough to indicate the exemption I claim, and which was conceded by the 39th resolution of the Irrigation Committee of 1867. When the Bill is referred to a sub-committee, I have no doubt we shall be able to come to an agreement on the subject. It is also necessary to keep in view in the Bill the principle that the upkeep and repairs of works for which a water-rate is levied should be at the expense of the Government.

There is one other matter, Sir, I would refer to, and that is the Ordinance No. 42 of 1884, which provides that, when any irrigation work has been constructed under the Ordinance No. 21 of 1867 or Ordinance No. 2 of 1873, and the cost thereof has been repaid by ten annual instalments, the lands benefited by such works shall, upon the expiration of such period of ten years, become severally liable to an annual charge or rate not exceeding 75 cents per acre for the annual upkeep and maintenance of such works. I do not know why the works constructed under the Ordinance No. 2 of 1873 are sought to be affected by the Ordinance No. 42 of 1884, seeing that the water-rate of one rupee per acre levied under the Ordinance No. 2 of 1873, as explained by Sir William, is intended to be a perpetual charge and to cover not only the cost of construction, but also of maintenance and repairs. I would have called the attention of the Council to this, had I been able to be present in Council on the 19th December, 1884, when the second reading took place. I see I was not even on the sub-committee. Under any circumstance, now that we have a Bill by which a portion of the general revenue is to be

set apart for the maintenance and repair of irrigation works, it is only right that the Ordinance No. 42 of 1884 should be repealed. Your Excellency has admitted that our revenue from grain-tax cannot be justified unless it is devoted to the purposes for which it was originally imposed. If then a third of this source of revenue is set apart, as it will hereafter be, for the construction, repair and maintenance of irrigation works, what necessity is there for the Ordinance No. 42 of 1884? My hon. and learned friend, the Attorney-General promised to me to-day that he would bring in at the next session an Ordinance to consolidate all the existing Irrigation Ordinances. I sincerely trust the Government will then agree to the repeal of the Ordinance of 1884, and when that is done, Sir, our irrigation policy will be complete, and all my countrymen will for ever be grateful to Your Excellency.

ON THE NEED FOR RAILWAY EXTENSION TOWARDS GALLE.

(8TH NOVEMBER, 1887.)

On the motion of the Hon. DR. P. D. ANTHONISZ, the Burgher Representative, the Council went into Committee to consider a petition from the inhabitants of Galle and Matara praying for the extension of the railway to the South. In Committee he moved that it was desirable that the extension to Bentota should be proceeded with at once. The Hon'ble MR. A. L. DE ALWIS seconded, and MR. RAMANATHAN supported, the motion.

MR. RAMANATHAN said :—

One cannot help, Sir, being struck by the pathetic observations which my honourable friend who represents the Burgher community has been pleased to make to-day. He knows, as most of us do, that Galle is one of the most ancient ports of the Island, and that, in days of old, all the commerce of the western shores of the Island was divided between Galle and another port which has disappeared from the face of the earth, I mean Mantota, near Mannar. It is no doubt heart-rending to him to think that Galle also may shrink into insignificance by the prosperity of an interloper like Colombo.

Sir, from the days of ancient Egypt all through the Grecian and Roman days, there is no mention made in literature of Colombo. Its name does not occur until about the year 1350, when it was a port held by sea-robbers. It consisted of a small population, of whom about 500 were Abyssinian pirates. In the course of three or four centuries after the establishment of Jayawardhana Kotte, better known in modern days simply as Kótte or Cotta five miles east of our bay, Colombo became a fairly flourishing place exporting cinnamon and coppera and importing rice, curry stuffs and cloth from India. After that the Portuguese built a fort adjoining the bay and the Dutch improved it vastly, and extended the town. When the English came, they found Colombo fairly prosperous.

Now my honourable friend complains that the importance which Colombo has acquired in modern days has depressed Galle. I sympathize with him in the observation he has made that we must do our best to extend to Galle bare justice in her days of decline. I think it is admitted both by the Government and the people that the extension to Bentota will pay. Your Excellency carried through the Legislative Council last year a Bill authorising the Government to raise a loan on behalf of the extensions to Haputale and Bentota. Whatever difference of opinion there may exist about the extension to Haputale, there is none whatever as regards the extension to Bentota. Now my honourable friend is quite right in asking that there should be no delay in undertaking this extension.

I do not know what answer the Government is going to give, but it strikes me that, if this resolution is carried, the Government will either have to introduce a special Ordinance with regard to the Bentota line, or take active measures to have so much of the Ordinance passed last year as regards the Bentota line to come into force as early as possible. Whatever course the Government may take, I do hope, Sir, that we shall see no further delay in the extension of the line to Haputale. ["Hear, hear" from the Acting Colonial Secretary, and laughter.] I beg pardon, Sir, I meant Bentota.

As my honourable friend has applauded the slip I made in mentioning Haputale, I beg to say that my objection to the extension of the railway to Haputale is founded simply upon the proposed scale of expenditure and the estimates of traffic. If it can be made clear to me that it would pay on the proposed scale of expenditure, I would be the first to throw my whole strength in support of that line.

[The Hon. the Colonial Secretary replied that the Ordinance passed last year had not yet received the sanction of the Secretary of State, and that the proposal of the mover was rather premature. Thereupon Dr. Anthonisz withdrew his motion.]

ON THE LEVY OF WAREHOUSE CHARGES ON IMPORTED GOODS.

(30TH NOVEMBER, 1887.)

At the instance of the Colombo Chamber of Commerce, the Government in 1887 decided to disallow the practice of letting merchants have their imported goods in Government warehouses free of charge for the first three days, and to levy warehouse rents on them from the day of landing.

MR. RAMANATHAN, believing that this removal of the exemption so long enjoyed and the incidence of practically a new duty would seriously affect the traders, moved in Council for the appointment of a Select Committee to inquire into the various aspects of the question.

In his opening speech he showed, by facts and figures, the partially representative character of the Colombo Chamber of Commerce, the position of the European and native merchants in regard to import duties, the natural disinclination of the Chamber to recommend duties on exports, and the probable reasons why the Chamber—some of whose members were shareholders of the Wharf and Warehouse Company—pressed for such a measure.

He also commented on the sudden change of mind of H. E. the Governor, who had characterised the proposal a year before as objectionable and unsatisfactory. Some of the European members of the Council, together with the Acting Colonial Secretary, the Hon'ble MR. T. M. O'BRIEN, attempted to justify their contention.

Then MR. RAMANATHAN rose to reply. He said:—

I am very glad Sir, to hear the explanation of my honourable friend, the Colonial Secretary, in regard to my statement that, in arriving at the conclusion to which the Chamber of Commerce came, they might have been influenced by the fact that they were also shareholders in the Wharf and Warehouse Company. After having heard what my honourable friend has said, with regard to the rent which might be collected by the Wharf and Warehouse Company passing into the Harbour Fund, I most unqualifiedly withdraw my remark on that head, but at the same time, my honourable friend will pardon me if I say that, in the consideration of public questions like this, one ought not to be too squeamish, for human nature often weighs the value of things by the standard of self-interest. Why,

Sir, on the question of the Uva Railway, my honourable friend was the first to tell me that those who said they would not use the Uva railway unless it were extended to Badulla, should not be believed—important as many of them were in the social circle—because he said they would be forced to use it, because necessity would compel them to use it.

Then, Sir, my honourable friend is to-day charmed with the importance of the Chamber of Commerce, and of its representative character. He is perfectly welcome to be so. My statements do not depend upon feelings of sympathy; they depend upon facts and figures. Notwithstanding his opinion that the Chamber of Commerce is most capable to represent the commercial interests of the Colony, I repeat that any such Chamber which contains only 35 per cent of the British merchants in Colombo cannot represent the general commercial interests of the island. My honourable friend must have known, from the facts and figures that I have put before the Council, that actually 65 per cent of the duty-payers in the Island had not been consulted, while only 35 per cent of the duty-payers, as represented by the Chamber of Commerce, had been consulted. And because he has consulted 35 per cent of the duty-payers, my honourable friend says that the Government sees its way clearly in regard to the imposition of the duty. I had hoped, Sir, after placing before this Council statistics on the point, that he would see reason to alter that opinion, but I regret very much that, in spite of those facts and figures, my honourable friend, as the mouthpiece of the Government, is content to say that he will be ruled by this 35 per cent of the British merchants, and will not look into the case of the 65 per cent of the native merchants.

Sir, I cannot do more than what I have done. I have stated my facts, and I understand that the Government are not going to yield to my proposal. I find myself to-day supported by my honourable friend who represents the Burgher community (Mr. P. D. Anthonisz), and I much regret that the honourable member, who represents the Sinhalese community, is not in his seat to-day, because if

he were here he would have stood by us. And that is enough consolation to me. It does not matter if all the other members stand together and carry this measure with the help of the official majority.

My honourable friend has stated that Government was not prepared to risk any delay that may happen by the appointment of the Select Committee. Could not a Select Committee be appointed to-day, and could not we gather all the information that may come to our hands and report in the course of one week, (cries of "no")—in the course of two weeks? ("no"),—in the course of three weeks? ("no.") Well, members who do not like to work whole heartedly may say "no", but others will not say so. I, for my part, am prepared to sit, if necessary, every day, excepting on Sundays. I say this because I feel that in matters of taxation we ought to be very careful. So far as regards the question of delay.

Then we come to the merits of the case. My honourable friend there says that bunder rent is paid in India. My honourable friend here says that this kind of exemption is unknown in any part of the East, and my honourable friend the Colonial Secretary says that this is an anomaly. What is an anomaly? Where is the inequality? In India bunder rent may be claimed, but there is no such thing in India as an imposition of 29 cents on a bushel of rice as import duty. We in Ceylon have a burdensome tax upon the food produce of the people, and I challenge my hon. friends to say if in India there is a tax so grievous as 29 cents per bushel of rice. This justifies to some extent the levy of bunder rent.

Then, Sir, I believe Your Excellency is a member of the Cobden Club. So long as you are a member of that Club how can Your Excellency consent to taxation upon food? I too am an honorary member of the Cobden Club, and I cannot consent to such a tax.

The question on its merits has been argued on the basis that rent ought to be paid for the occupation of room in the Customs House, and also because the staff of the Customs House is being worked. But importers do not use the Gov-

ernment warehouse by choice. They do not want their goods to remain there, nor would they let them remain there, if the Government would allow them to clear off their goods on the day they landed. It is true that it takes from two to three days before goods landed can be removed from the Customs. The importer asks: Did I go to the Government warehouse of my own choice? The Government compels me to leave my goods there for two or three days, and then forces me to pay rent. My hon. friend has reminded us that, when Your Excellency spoke about this matter once before, you said that this wharfage or rent should be diverted to some other purpose, "as it is a very objectionable increase of import and export duties."

ON THE MAKING UP OF A BUDGET, DURING DAYS OF GREAT COMMERCIAL DEPRESSION, TO GAIN THE SANCTION OF THE SECRETARY OF STATE FOR AN UNREMUNERATIVE PUBLIC WORK.

(8TH DECEMBER, 1887.)

The Council went into Committee on 7th December, 1887, to consider the report of the sub-Committee on the Supply Bill for 1888. On the following day it took up the vote of Rs. 90,000 in favour of the Crown Agents on account of payments of the interest on the loan to be raised under the Railway Extensions Ordinance of 1886.

Owing to the depressed financial condition of the Island and the unsatisfactory way in which the revenue had been estimated, MR. RAMANATHAN opposed the vote, especially as the Secretary of State had not sanctioned the proposed railway.

The attempts of the Colonial Secretary (MR. G. T. M. O'BRIEN) and H. E. the Governor (SIR ARTHUR H. GORDON) to divert attention from trenchant criticism by raising side-issues and resorting to ridicule and personalities were firmly and fearlessly resisted by him.

MR. RAMANATHAN said:—

I object to the vote on the ground that it is not right to vote moneys towards a measure which the Secretary of State has not sanctioned. It is improper to anticipate that his judgment would be according to the wishes of the Government and vote moneys on that supposition. Why this hurry? Why not wait till his judgment is given, and if that judgment be as the Government hopes, why not then convene this Council and pass this vote? My second objection is founded on the financial aspect of the question. The Secretary of State asks, in his last despatch dated August 30th, how can the charge for interest on the loan during the construction of the railway to Haputale be provided for?

His question is, can the general revenue of the Island bear the charges? Your Excellency says: "Yes, the revenue is in a flourishing state and can meet the charges." This issue happily throws out of consideration the vexed questions of

"Will the line to Haputale pay?"—"Ought the line to be to Haputale or Badulla?"—"Is it to be on the broad gauge or narrow gauge system?", and so on. My remarks to-day will be confined to the one issue raised by the Supply Bill for 1888, namely, will the revenue for 1888 be able to bear, in addition to its other burdens, this burden of Rs. 90,000? This is altogether a revenue question which is quite germane to the Supply Bill. I shall not waste the time of the Council on any other question.

Let us then take the revenue for 1888. My hon. friend estimates it at Rs. 13,784,000, whereas the different Heads of departments estimate it at Rs. 13,057,000. The difference between the two estimates is Rs. 727,000. A startling discrepancy of course! Your Excellency, in your message to the Council, accounted for it. Under the head of Customs, you said there were good reasons for expecting an increase of Rs. 170,000; on pearl fishery, an increase of Rs. 250,000; on licences (arrack, rum, &c), an increase of about Rs. 160,000; and various other increases from fines and forfeitures, sale of Government property, reimbursements and railway receipts.

Let us fix our attention first on the Customs estimates. My hon. friend the Colonial Secretary estimates the income under this head at Rs. 3,170,000, but the Collector of Customs, who ought to know, estimates it at Rs. 2,927,000, a difference of Rs. 243,000! Hon. members may not be aware that, within the last few years, Sir John Douglas was the only Colonial Secretary who was fortunate enough to realize more than he estimated. That was in 1884. His estimate for that year was Rs. 2,700,000, but he realized Rs. 2,800,270. For 1885 his successor's estimate was Rs. 3,000,000, but the actual income was Rs. 2,857,000. For 1886 the estimate was again Rs. 3,000,000, but the actual income was Rs. 2,903,000. In 1887 the estimate was again Rs. 3,000,000, and Your Excellency with my hon. friend the Colonial Secretary thinks that we would realize more than Rs. 3,000,000. On the contrary, I have reason to think that the income would not be much above Rs. 2,982,000. My hon. friend, however, had

the courage to estimate the income for 1888 at Rs. 3,170,000. In sub-committee I asked him his reason. He explained that, at the time at which he prepared the estimates, he had the revenue from Customs for the nine months ended September, 1887, at which date the income was Rs. 2,346,000, while the income for the corresponding period in 1886 was Rs. 2,081,000. At this rate of increase, he said, he was justified in expecting for the twelve months an increase of Rs. 352,000. He based his estimates on the increased cultivation of tea in 1888, which means larger importation of rice, that is, a larger income from Customs duties, and on Rs. 70,000 from warehouse rents about to be imposed.

But much of this is really building castles in the air! I have taken the trouble to ascertain that the actual receipts from Customs for the eleven months ended 30th November, 1887 amounted to Rs. 2,736,000, to which, if an amount similar to that received in December, 1886, be added, namely Rs. 246,000, the total for the twelve months of the current year would amount to only Rs. 2,982,000. Does my hon. friend know the reason why his hopes have been so pitiably falsified? It was mostly due to the state of the rice market. Some time ago the price of rice suddenly rose, and the Thamil traders telegraphed in hot haste for new supplies, and when they arrived the market was of course glutted. The Chetties had to bond rice and even to export it. Customs duty rose largely during the influx of rice, but now that the market is full, there would not be that ratio of rice imported into the island which we might have expected under a normal state of things. Thus dissolves into thin air one of the castles of my hon. friend.

As regards tea cultivation, surely he does not mean to say that new estates are going to be opened up numerously next year, and that a large number of new coolies are expected to arrive in the island? I cannot accept the item of Rs. 70,000 which is to be collected as warehouse rent on imports. This is a scandalously unfair duty as I have shown on a previous occasion, but allowing my hon. friend to keep it in his pocket, I have shown that

he has over estimated the receipts from Customs by about Rs. 140,000.

I now come to the pearl fishery. The Colonial Secretary estimates the income at Rs. 400,000, but Captain Donnan or Mr. Twynam, I do not know which, estimates it at only Rs. 150,000. The difference is Rs. 250,000. I cannot consent to follow my hon. friend into the region of speculation, which the pearl fishery undoubtedly is, but even if all other things are favourable, it does not appear to me that the results of the trial fishery undertaken quite recently disclose a satisfactory state of things. I make out from these returns that the average price of 1,000 oysters is bound to be no more than ten rupees. The pearls are so tiny that pearl merchants are not likely to be attracted in large numbers. Nor would such pearls be useful for any purpose other than being converted into chunam or lime, to be chewn with betel by the well-to-do classes in India. I am inclined therefore to rely more on the departmental estimate than the estimate of my hon. friend.

Then as regards licenses, the income this year amounts to Rs. 1,494,000, but my hon. friend makes a bold leap for 1888 and estimates the receipts at Rs. 1,600,000. He has evidently forgotten that from 1880 to 1886 the income from arrack &c. has been steadily going down. In 1880 the income was Rs. 1,660,000; in 1881 Rs. 1,563,000; in 1882 Rs. 1,548,000; in 1883 Rs. 1,538,000; in 1884 Rs. 1,464,000; in 1885 Rs. 1,435,000; in 1886 Rs. 1,380,000. This year it went up to Rs. 1,494,000, and my hon. friend would therefore run it up for next year to Rs. 1,600,000. I called for an explanation of this sanguine estimate, and my hon. friend says the arrack sales from July, 1887 to June 1888 brought in Rs. 1,563,000; half of that, namely Rs. 781,000, would be for January to June, 1888; and he expects, at the sales to be held next year, Rs. 819,000 for the half-year June to December, 1888. It is for hon. members to judge whether this golden view of things is justified by our experience of the past seven years. Those interested in the arrack trade, some of whom I have conferred with, see no signs of such a pros-

perous trade. According to these premises, my hon. friend has over-estimated income from this source by Rs. 120,000 at least.

I do not think I ought to trouble the Council with criticisms on other heads of revenue. I shall, to save time, admit these estimates, but I think that in Customs there is an over-estimate of Rs. 140,000; in pearl fishery an over-estimate of Rs. 250,000; and in licenses Rs. 120,000, all which aggregate Rs. 510,000. The total estimate of revenue for 1888 would thus be reduced from Rs. 13,764,000 to Rs. 13,254,000.

Passing now to the expenditure side, we see it set down in the Supply Bill, as revised by the Committee, at Rs. 13,637,000 which would be an excess of expenditure over revenue of Rs. 393,000. Even if the Government hauled in all the money they expect from the pearl fishery, there would be a large deficit. In this state of things, are we justified in charging the revenue with the interest required for the railway loan? In my humble opinion we cannot afford to do so, and the question raised by the Secretary of State must be answered decidedly in the negative.

Sir, we want every cent of the revenue of next year. I shall say the same thing of 1889. I do not want to look further ahead. What is the condition of our roads? Take the road leading from the Uva Province into the Eastern Province. It is admitted by the Government that it is in a most deplorable condition. Take the road from Balangoda to Ratnapura, that too is in a disgraceful state.

H. E. THE GOVERNOR: No!

MR. RAMANATHAN:—Well, I have good authority for saying so. Take the old Colombo-Kandy road, which everyone of my friends who have to travel on it says is in a very bad state. Rumour has it that high officials have also reported to the Government on the condition of this road. I should like very much to see the reports, if any, on the subject. Then, there is the Colombo-Bope road. It was a sight, Sir, worth seeing, to see the Director of Public Works attempting to go along this road in a hackery. I believe two or three

miles of it jolted him about so much that he returned home sick and aching all over. I wonder what would have happened to him had he tried a few more miles of that road? He would perhaps not have returned to tell his own tale. Why are these roads left in this state? Is it not for want of revenue? I do not expect the Government to give us new roads, but I do expect them to husband the revenue in such a way as to keep in efficient repair the roads which more prosperous days have given us. And I say that our roads generally are not kept in that state of order which the needs of traffic and communication demand. But this is not all. Our broken bridges claim our immediate attention. Take the Punnalai causeway in the Jaffna Peninsula. It was broken in several places by the cyclone which passed over that part of the island in 1884, I believe. We were able to do nothing for it in 1885, or 1886, or 1887. And nothing would have been done I think even this year but for me.

H. E. THE GOVERNOR:—Oh! oh!

MR. RAMANATHAN:—I do not understand these protestations, Sir. Your Excellency in your message gave the preference, as between Toppu bridge and the Punnalai causeway, to the former, and it was on my interference that the sub-committee agreed to recommend the repair of the Punnalai causeway.

Your Excellency will therefore see what I meant by saying that but for me, perhaps, the causeway would have been forgotten and preference given to Toppu bridge. If you have anything to say to the contrary I shall stand corrected. To continue. When was the Toppu bridge broken? Nearly two years ago. It is on the highway from Negombo to Chilaw, and had you the revenue would you have been without repairing it so long? The most necessary of public works have thus been neglected and allowed to continue in ruins for want of revenue.

But there is something even more important than means of communication and carriage of traffic, I mean security of life and property in towns. Everyone knows how rampant crime has been during the last few years, and it is notorious

that the police is far too under-manned. I believe the Inspector-General of Police has repeatedly complained that constables are utterly unable to do sixteen or eighteen hours of watching everyday, and that for want of an increase of constables he has found himself helpless in the prevention and detection of crime. Fancy a straggling town like Colombo with 120,000 inhabitants attempted to be secured against thieves and other malefactors by the few constables now told off to duty! This is an acknowledged want of great importance. Security of property in towns cannot any longer be postponed. It ought to have been attended to many years ago, but our revenue did not prevent it. This is a fact beyond dispute. Can we postpone the augmentation of the police any longer? No, not at all.

Then consider our prison establishments. Are our malefactors deterred from crime by the discipline or internal arrangements in the prisons? Prisons can never be effective for the end they exist unless the prisoners are withdrawn from outdoor work and put on indoor work. The prisoners, besides being well fed, find it a jolly thing to be led in batches all about the town, and to have opportunities of exchanging glances, if not words, with their friends and relations, aye of being provided, unknown to guards, with luxuries in the shape of tobacco, betel &c. If our revenue permitted it, would the Government employ prisoners on public works outside the Jails? Another necessity in jails is separate cells. Without perfect isolation, imprisonment loses half its deterrent force. If crime is to be reduced in the country, our prisons must be considerably improved, and does the Government say that our revenue will permit such necessary improvements being carried out? No, by no means. I need not refer to other cases of the essentials of good government being neglected or postponed for want of revenue. And yet what are we going to do to-day? With a deficit staring us in the face, we want the Secretary of State to believe that we can easily spare Rs. 90,000 for railway interest. I cannot be a party to this way of thinking.

Sir, I ought not to detain the Council longer. Such are some of my reasons for refusing to go with the Government on this question, I say that the circumstances of the colony do not admit of this vote for 1888. I also say that it is not proper to vote any moneys towards a measure which the Secretary of State has declined to sanction. I sincerely hope the Government would see its way not to force this vote through the Council.

[The Hon. the Acting Colonial Secretary (MR O'BRIEN) replied that it would be very difficult for him (MR. RAMANATHAN) to make a speech better calculated to prejudice the credit of the Colony, and to injure that section of the community whose interests he may be supposed to have more particularly at heart. His motive was not far to seek. His mental vision was obscured by some preconceived idea. He opposed the extension to Haputale. It was an object of paramount importance with him to delay, if not to prevent, this extension.]

MR. RAMANATHAN:—I call my hon. friend to order, Sir. He has no right, in this Council to impute improper motives to hon. members. He knows there is a rule to that effect, Rule 33 provides "all imputations of improper motives shall be considered as being highly disorderly, and such conduct shall be minuted in the journals if it shall appear to a majority of the Council to be necessary."

H. E. THE GOVERNOR:—I am not aware that the Hon. the Colonial Secretary has attributed any improper motives to my hon. friend, and I shall extend to him the same latitude that I extended to my hon. friend when at a recent meeting he imputed improper motives to the merchants of Colombo.

MR. RAMANATHAN:—Merchants of Colombo are not members of Council, Sir. He charges me with improper motives.

H. E. THE GOVERNOR: I cannot suppose my hon. friend the Colonial Secretary will make any other than a perfectly proper and legitimate speech, or impute to the hon. member any but proper motives.

[The Hon. the Acting Colonial Secretary explained that he did not charge the hon. member with any improper motive or with any motive other than wishing to oppose this vote, and continued his speech on the merits of the question. When he finished his speech, MR. RAMANATHAN rose to reply.]

MR. RAMANATHAN said:—

The Colonial Secretary spoke of my mental vision being obscured. I leave the public to decide between him and me

as to whose vision is obscured. What shall I say of the obscurity of his mental vision when he confounded the only issue which I raised with other issues which I did not raise, and which had no bearing whatever upon the point before the Council? I spoke of the condition of the revenue for the year 1888, and of its inability to bear the charge of Rs. 90,000 proposed to be voted on account of interest for the Haputale Railway Extension. But nineteen-twentieths of the speech he delivered referred to the policy of progress, to the success of the planting enterprise, and other irrelevant matters. Under these circumstances am I not justified in asking whether it was his vision or mine that was obscured? His conduct to-day, Sir, reminds me of a trick common among pettifogging lawyers. Seeing that the position I had taken up was impregnable, he has resorted to abuse. He has also made monstrous charges against me, such as that I accused the Government of systematically neglecting native interests, and that our railway policy has been a complete failure, charges which were never before brought against me. With the accession of my hon. friend to this Board the tone of our debates has changed, but I hope that no other member will copy him in this respect, and pursue his policy of abusing and misrepresenting one's opponents. In the obscurity of his vision, he has wandered off and taken the trouble to disprove a fancied connection between arrack rents and stamp duties. In his confusion, too, he spoke of 15,000 acres of land having been opened in the Puttalam district as a sure indication of prosperity at the present day. Does my hon. friend mean to say that the money with which those 15,000 acres were bought represents profits made this year or last year or the year before last? The truth is all the other way. It was money, which was made long ago. After the failure of the Oriental Bank and the fall in value of house property, money was withdrawn from banks and from investments on mortgage of household property, and capitalists were obliged to lay out the moneys so withdrawn on the purchase of lands for the purpose of cultivation. In other words, the price of the 15,000 acres was transferred

from one investment to another—in short, from one pocket to another pocket. This simple transfer of money from one pocket to another is spoken of by my hon. friend as a sure indication of returning prosperity!

As regards his irrelevant platitudes relating to the policy of progress, it would I think, comfort him to hear that I fully believe in the benefits of railway extension. Does he take us for babies that he should prove to us its benefits? For the Colonial Secretary of Ceylon to give the Legislative Council dissertations upon the benefits of railway extension is really too amusing. It would also comfort him I think to hear that I quite agree with him as regards the good which the planters have done to the island. The hon. member on my left (Mr. R. B. Downall) will bear witness to the numerous times I have helped him in the measures which he brought before Council, and how often, and how gratefully I have acknowledged the benefits which the planters have conferred upon Ceylon. My hon. friend the Colonial Secretary might have given some credit to the merchants who in my opinion have done so much, at least, for the island, but in his desire to curry favcur with the planters, he has left the merchants altogether out in the cold. I also agree with him as to the increase of tea cultivation. That requires no proof. But I think my hon. friend is committing a mistake when he argues from that fact only the prosperity of Ceylon. The prosperity of Ceylon cannot be assured, unless side by side with the cultivation of tea and other products, there is a brisker trade prevailing in the country, till commerce revives in Europe, and elsewhere. What is the good of speaking of the prosperity of Ceylon at the present day? Every member in most professions, trades and industries, if appealed to, would say "my pockets are empty." Those who deal with tea do have money in their pockets: they are undoubtedly getting on. Prosperity in this limited circle cannot be spoken of as the prosperity of Ceylon. Unless a revival of trade takes place side by side with increased cultivation of tea, we cannot be assured of general prosperity in the island. I fully believe, Sir, that tea cultivation is slowly giving an

impetus to trade, but I cannot admit that we are so prosperous as to be able safely to charge the revenue next year, or the year after, with interest on railway works. We must wait till our prosperity becomes general and certain.

This condition must guide us in making not only the Haputale and Bentota lines, but the Jaffna line also. Does my hon. friend suppose that I expect the Government to take one view in respect to the Jaffna line, and another view in respect to the Haputale railway? I would not care a brass button for the Jaffna railway if the colony were not able to pay out of its general revenue the interest on the loan that we might raise for it. Could I come to the Government and say, "as a matter of favour to us, Thamils, contribute to the Jaffna railway interest something out of the general revenue? My hon. friend thought he could crush me with that argument. No, I am not so enamoured of the Jaffna railway as to have it made at the cost of the Island's ruin. It is true I represent the Thamils here, but it cannot be said that during any part of my legislative career I have looked to the Thamil interests only, to the detriment of other interests.

Then passing to my action in 1879, it surprises me that after the explanation I gave in 1886 my hon. friend (Mr. Downall) should persist in trotting out the fact that I voted for the extension to Haputale in 1879. My hon. friend there (the Colonial Secretary) also said in effect: "Oh! here is a man who is very inconsistent, and who must not be listened to in Council, for that reason." Well, he is new to the Council, and now that he has had the pleasure of twitting me with inconsistency, I hope he will rest satisfied. He invoked the authority of the name of Sir Cecil Smith in order to condemn me. The reply that I gave to Sir Cecil Smith is what I would refer him to now. I said in February, 1886, "My reluctance has been all the greater, because to-day I have to unsay what I said in Council in 1879. That was the year in which my hon. friend who represents the European Planters introduced his motion in support of the extension to Haputale. I supported him, taking on trust the

data put before me." Sir, that was the first year of my sitting in Council. I was an inexperienced man. I took everything that was told me by Government members and others here as gospel truth, but now I know how to collect facts and figures, and how to sift and criticize them. To continue the quotation. "Much of those data must be rejected at the present day. For instance, in the season of 1878-79 our shipment of coffee was 824,500 cwt. Now it has gone down to 324,000 cwt., a fall of 64 per cent. With change of data, my opinion has also changed, and I must lay aside my feelings of sorrow and reluctance and express truly to hon. members the results of my study".

How pleasant it would be to me, Sir, to bask in the sunshine of Your Excellency's smiles, how nice to be courted by officials, as a man who says pleasant things? What do I gain for myself by this opposition, by choosing to express an independent opinion which is very unpalatable to the Government? Do they treat me with respect for doing what I believe to be my duty? Do they extend to me even common courtesy? No, they even challenge my motives. It does not matter to me, Sir. I do not want the favours of the Government. It is enough that I am able to say to myself, "I have done what I feel to be right." That will be my comfort.

Then, Sir, my hon. friend the Colonial Secretary spoke of Sir William Gregory as the true friend of the natives of the island. I heartily echo that sentiment. I do not think there ever was a greater friend of the natives, and will my hon. friend now say that I was wrong in holding the opinions which Sir Wm. Gregory held on this subject? If he is a true friend of the natives, how can I be a false friend of theirs for holding similar opinions? That admission of my hon. friend affords a complete answer to his charges against me.

In my opening remarks I stated that I would confine my speech exclusively to the subject of the revenue of 1888. I said all other issues ought to be thrown out of consideration, and I more than once emphasized this view, viz., that the

discussion to-day upon the Supply Bill ought to refer to only one question, that is, whether the revenue of 1888 is able to bear this charge. Does my hon. friend know why I narrowed the issue, so? Because I desired to speak as little as possible for or against the prosperity of Ceylon, as compared with previous years. In sub-committee my hon. friend asked me: "Don't you think you would injure the credit of the Colony if you speak out in Council?" I said, "Knowing as you do my views upon the subject, and there being no necessity now to come to Council for a vote of this kind before the measure is sanctioned by the Secretary of State, why should you not wait till the Secretary of State sanctions the vote, and why should you not then take the consent of the Council? Why should not a special meeting of the Council be convened to pass this vote of Rs. 90,000?" My hon. friend had no answer to that. He was all in favour of anticipating the judgment of the Secretary of State, he was all for hurry, for forcing the hands of the Secretary of State, for ignoring well-established principles and regular methods of administration. I said: "If you force legislation through in this extraordinary way, I will be obliged to speak," and now that I do speak to protect the interests of my countrymen, my hon. friend has the audacity to charge me with injuring the credit of the colony. I say with all emphasis possible that it was the action of the Government that forced me most reluctantly to say what I have said. They are the enemies of the country for forcing this vote through Council. Simply because I am doing my duty to my country, my hon. friend would have the country believe that I am its enemy. Iteration and reiteration of what is not true will not make it true.

Well, Sir, I pointed out that the revenue as estimated by my hon. friend was not a safe estimate, and asked him how he was going to make both ends meet, if there was a deficit? "While there was a deficit glaring you in the face, would you," I said, "commit the country to a charge of Rs. 90,000?" Has my hon. friend answered that question? Instead of answering it, he has like a whipped child been running all

over the place, and then has turned round and abused me. I say, Sir, he has not met my argument upon the only issue I raised, i. e. upon the state of our revenue for the year 1888.

Supposing I allow this vote to pass to-day, and supposing, as I fully believe, that the revenue is really unable to meet this charge, what will happen? My hon. friend there (the Colonial Secretary) would say: "Tax, tax the people." Since Your Excellency's arrival, how much taxation has been put upon our shoulders? I make out that a sum of Rs. 600,000 has been levied by taxation. In Your Excellency's message of 1884 it is said: "His Excellency anticipates from the changes contemplated in the Customs duties an increase of about Rs. 200,000 on the Customs duties over that of the present year......... On Stamps, an increase of about Rs. 150,000 is expected if the new scale of duties be adopted......... An increase of Postal rates will, it is anticipated, yield another Rs. 60,000," making, in 1884 alone, a total of Rs. 400,000. I need not touch upon other new heads of taxation. Well, Sir, if next year's revenue falls short of my hon. friend's expectations, he would be forced to say to you, Sir, "Tax, tax again," though since 1884 we have been already taxed to the extent of Rs. 600,000. I feel that there is a great likelihood of fresh taxation being imposed on us if, in the present state of the country, the charge of Rs. 90,000 were made for 1888 and Rs. 280,000 for each of the two or three following years. This is the reason of my attitude to-day, and this is the motive of my opposition, not those discreditable ugly motives which my hon. friend insinuated. I like to fight a battle openly and honourably, not in the nasty, sloping way he would have me fight it.

I see my hon. friend the representative of the Burgher community has veered round. I do not see him in his seat. He has disappeared, and left me all alone. I say alone, because the hon. member who represents the Sinhalese community is also not here. He wrote to me this letter, which I received after coming to Council. He says "I have such a headache and cough that I am unable to attend Council this day. Exposure last night made me worse. I am very sorry I am not at all well to-day."

H. E. THE GOVERNOR:—Is that all?

MR. RAMANATHAN:—That is all. Well, Sir, in justice to my friend I should say that yesterday, at all events up to 5 o'clock, he was going to vote with me. My hon. friends are laughing. I do not want them to make fun of him, because I believe him to be an honourable man who will stand by his convictions. Well, Sir, I am left in a minority of one, and the discussion that I have heard to-day has not cleared my difficulties. I therefore adhere more strongly than ever to my opinions though I have to stand alone. Let it be so. It will be my duty, Sir, to call for a division on the subject.

At the conclusion of MR. RAMANATHAN'S reply, H. E THE GOVERNOR spoke at length, and ended his speech as follows with a personal attack on him.

H. E. THE GOVERNOR:—

As to the discussion between my honourable friend (Mr. Ramanathan) and my honourable friend on my left (the Acting Colonial Secretary), I will venture to say one word to my honourable friend, and that is this. On a recent occasion, almost at our last sitting, my honourable friend told us that we ought not to be too squeamish. I would venture to apply that to him now. As to my honourable friend on my left, I think he will find that it is always desirable that there should be abstinence from all remarks that may be in any way considered as of a personal character. At the same time, in justice to my honourable friend the Colonial Secretary, I must say that there is, sometimes, in my opinion, in my honourable friend's manner of posing in this Council, something slightly, although in his own mind he may not intend it, of the posture of being the representative of the whole unofficial community.

MR. RAMANATHAN (protesting vehemently):—No, no; that is too bad.

H. E. THE GOVERNOR:—I appeal to the unofficial members of this Council whether that is so or not. We all know that he is not the general representative of the whole community. But nevertheless, I say, that impression is sometimes conveyed. And not in this assembly alone. I have had letters

from friends in England, who know nothing about Ceylon except the fact that I was Governor of it, when he appeared there in that superb turban and resplendent decoration which we are not permitted to see here, which say that he was the representative and delegate of all the people in the Island. I find that mentioned. Therefore, however, unintentionally, I think my honourable friend's manner occasionally conveys that impression. Now, we all know my honourable friend represents only the Tamil community, and we don't admit he has any right to represent any other section, and indeed I am quite aware that he has no desire himself to pose as an idol receiving the adoration of thousands of poor Sinhalese and Tamils, as their friend and saviour from a corrupt and despotic government.

MR. RAMANATHAN:—Your Excellency has referred to the word "squeamish" which I made use of in the debate on the Warehouse rents. I said that in the consideration of public questions, public men ought not to be too squeamish or fastidious in the consideration of public questions. We must accept human nature as it is and concede that it is often guided by selfish ideas. There can be no question about this. But how does it apply in the present case? That I should not be too fastidious about the Colonial Secretary's remarks of a personal character? Then as to my posing before the world at large—

THE ACTING COLONIAL SECRETARY:—Is not the honourable member out of order?

H. E. THE GOVERNOR:—I think the honourable member is entitled to some latitude.

MR. RAMANATHAN:—We are in oommittee, Sir.

H. E. THE GOVERNOR:—Yes, but we are discussing one particular question.

MR. RAMANATHAN:—As regards my posing before the world at large as the representative of all Ceylon, this is the first time that such an imputation has been cast upon me. I feel this imputation very much, because its object is to ridicule me, and of all weapons available to an opponent the weapon of ridicule is the most difficult to parry. Your

Excellency in attacking me from that chair in this way places me in a really painful position. When I went to London, the Secretary of State and all other officials, and those mercantile friends who were working with me on the deputation to the Secretary of State, knew that I was the representative of the Thamil interests only, but unfortunately there is a great deal of ignorance in London as to the people who live in Ceylon. Sir William Gregory in my presence introduced Mr. Dornhorst, a Burgher gentleman, to some friends in London as a Sinhalese gentleman from Colombo. I was very much astonished. On asking him for an explanation, I was told that Englishmen not familiar with Ceylon knew that only the Sinhalese people lived there. In most circles in England I found that men who went from Ceylon were spoken of as Sinhalese. In this state of ignorance, Your Excellency's friends, who must be very ignorant people, wrote to you that I was a Sinhalese gentleman; but is that my fault? Your Excellency might have spared me the trouble of this explanation. I pose before the world as a Sinhalese! What do I gain by it? I suppose it does not matter to an Englishman whether he is taken for a Scotchman, or a Fijian. But it does matter to me. I have no desire to change my nationality. I pride myself on being a Thamil. I hope a Sinhalese gentleman will always pride himself upon being Sinhalese, and an Englishman on being English. I feel much pained that so much publicity should have been given to a statement which is utterly unfounded in fact, and which ought not to have been made from that chair.

H. E. THE GOVERNOR:—The honourable member is making a great mistake; there is no imputation of anything.

MR. RAMANATHAN:—I feel it is an imputation.

H. E. THE GOVERNOR:—But I say you do not understand me. It is not that the people in England supposed that you were a Sinhalese, but that you were the representative delegate of all the people in Ceylon—not the Sinhalese people only.

MR. RAMANATHAN:—But how am I responsible for their ignorance. I have seen it stated elsewhere—

H. E. THE GOVERNOR:—Not that you personally were a Sinhalese; but that the people in England thought you were the representative delegate of all the Sinhalese.

MR. RAMANATHAN:—The opinions of ignorant Englishmen to be published at this Council Board! I think, Your Excellency, it is intended to ridicule—

H. E. THE GOVERNOR:—Order, order. I say you do not see the point.

MR. RAMANATHAN:—But I do see it.

H. E. THE GOVERNOR:—I know what I am speaking about, and I know the point, and therefore the honourable member cannot contradict what I say.

ON THE BETTER MANAGEMENT OF THE BUDDHIST TEMPORALITIES OF THE ISLAND.

(5TH OF DECEMBER, 1888.)

In order to prevent the scandalous abuses which had been prevailing in the management of the Buddhist Temporalities for several decades. H. E. the Governor (Sir ARTHUR H. GORDON) sanctioned a well-considered scheme for their better administration and caused a Bill to be introduced in the Legislative Council in November, 1888.

The Attorney-General, Sir Samuel Grenier, moved its second reading on the 28th of the month, and MR. RAMANATHAN seconded his motion.

MR. RAMANATHAN said :—

I have much pleasure in seconding my hon. friend's motion. The measure before the Council is of paramount importance, as it affects very seriously more than half the population of Ceylon. I, therefore, offer no apology for addressing the Council at some length on the *raison d'etre* and scope of this Bill, so that Buddhists and non-Buddhists alike may see for themselves that by this bill Your Excellency is trying to remedy the evils which certain of your predecessors and Secretaries of State had unwittingly caused by their fancied zeal for Christianity.

The Bill before us seeks to do no more than bare justice to the Buddhists. In order to arrive at a correct opinion on this most difficult question, it is necessary to realize, to some extent at least, the condition of the priesthood and the temple endowments under the native kings of Ceylon, and see how they were circumstanced after the country passed into the hands of the British. Unless the Bill now before us is studied in reference to these points, I believe very little justice will be done to it, and the question will degenerate into a wrangle as to the limits of the connection of Government with religious systems. If, however, the true bearings of the question are seen, it will appear, not as a question of competing claims

of Christianity and Buddhism, but as a question of remedying a great social evil which is daily gnawing into the vitals of the Sinhalese.

It is unnecessary here to dwell on the condition of the Buddhist clergy and endowments earlier than the eighteenth century, when the kingdom passed into the hands of the Thamils. It is enough to know that the Thamil kings, from Kirthi Sri (1717) downwards, fostered in all possible ways the spread of Buddhism, maintained inviolate the endowments made by the Sinhalese kings, and themselves bestowed large gifts on the church.

The object of the endowments was: (1) to maintain the priests and the dagobas, viharas, and pansalas; (2) to teach *bana*; and (3) to generally educate the people at the pansala schools.

Everything in those times was opposed to corruption and peculation on the part of the monks. The absolute rule of the kings, whose displeasure was very often death to offenders, and the active power of chiefs, no less than the authority of the religion itself, which was in no way weakened, as in modern times, by the distracting and restless influences of European civilization, served as sufficient checks on the Buddhist clergy against misappropriation of temple revenues, or the practice of immorality. These were not the besetting sins of the abbots and monks. We have the evidence of the historians,—Percival, Cordiner and Davy,—in confirmation of this fact.

Davy, writing in 1821, says: "The rank of a priest next to that of Boodhoo, is considered the most exalted...........Their character in general is moral and inoffensive. The liberty they have of laying aside their yellow robes and of quitting the priesthood at pleasure has, no doubt, an excellent effect and must tend greatly to exclude licentiousness and stop corruption, which (witness the old Christian monasteries) are too apt to spring up and grow to a monstrous height when no natural vent can be given to the violence of passion. Like the monks of Europe in the dark ages, they are the principal proprietors of the learning and literature of the

country...........As moral teachers they appear in their best light; in this character I am not aware of any objection to them."

The Rev. Mr. Cordiner, who as a manager of the public schools of the Island between 1800 and 1805, had great opportunities of collecting reliable information, said: "All the wants of the Buddhist priests are supplied by the people, and the most beautiful females in the country attend them in their houses without wages. So great is the sanctity of their character that a virgin who has served in their abodes is considered by the young men as an enviable wife."

Percival, writing in 1803, after much personal experience of the island, says: "The priests of Buddoo are in Ceylon accounted superior to all others. They are called Tirinanxes...In such high veneration are the Tirinanxes held that their persons are accounted sacred........... The body of Tirinanxes are elected by the king from amongst the nobles, and they are consequently men possessed of power and influence even independent of their sacred character. The honors and respect with which they are everywhere attended shew the strong hold which they have on the minds of the people. All ranks bow down before them."

It is thus clear that, upon the English assuming the administration of the country between 1796 and 1815, the morality and honor of the Buddhist clergy were all that was desirable. Let me for a moment depict the circumstances under which this simplicity of character, this satisfactory condition of things, altered since the advent of the British Government.

By the Convention of 1815, the religion of Buddha was declared inviolable, and its rites, ministers, and places of worship were to be maintained and protected, and the Government took upon themselves the prerogative exercised by the Kandyan kings of appointing incumbents and lay officers to the temples, and of keeping charge of the tooth-relic. By the Proclamation of the 21st November, 1818, section 21, the Government in pursuance of the spirit of the Convention exempted all lands which were then the property of temples

from all taxation whatever, and by the Proclamation of 18th September 1819, all temple lands were ordered to be registered. Mr. Colebrooke, in his report upon Ceylon dated 1831 speaks of "much inconvenience" having arisen from the interference of the Government in the religious affairs of the country, and says: "The interposition of its authority to enforce an observance of the rites of Buddhism is at variance with those principles of religious freedom which is a paramount duty to uphold. Nor can it justly afford to the Buddhist faith a greater degree of support than it extends to Christianity and to other systems of religion including the Hindu and Mahomedan." In 1831, too, the Government set aside the old Kandyan Register, and commenced in its place the Register known as Mr. Turnour's Register, but it was found difficult to continue the work of registration, owing to disputes regarding boundaries between Revenue Officers and the Temple Officers. At that time, therefore, and for many years till 1840, what troubled the Government was the growing inconvenience of its interference with the Buddhist religion, and the practical difficulties connected with the registration of temple lands. These subjects constituted what I may call the Buddhist Question of 1820 to 1840.

In 1840, the year in which the Diocesan Committee for the Propagation of the Gospel was established, Governor Mackenzie, with more Christian zeal than statesmanship, refused to sign warrants appointing incumbents and lay officers to temples. From this refusal dates the second phase of the Buddhist Question—the Question of 1840 to 1853. He did not continue subsequently in his objection to signing these acts of appointment, because he saw that rights of property, to which Her Majesty's subjects in Ceylon were entitled, would be thrown into confusion by persisting in such refusal. Sir Colin Campbell, who succeeded him in 1841, found it impracticable to withhold his signature to these acts of appointment, but he entered into a lengthy correspondence with the Secretary of State on the subject; and at last Mr. Wodehouse prepared a Bill, which passed through the Legislative Council as Ordinance No. 2 of 1846, providing a machinery

for the appointment or removal of incumbents, the registration of temple lands and services due therefor, and the commutation of such services. It also provided against the alienation of temple lands. Lord Grey, in his despatch dated 13th April 1847, did not see his way to sanctioning that part of the Ordinance which vested in the Committee all those rights, powers and privileges which the Government were said to have undertaken by the Convention of 1815, in regard to the appointment or removal of incumbents and to the exercising of the internal discipline of the ministers of the Buddhist religion. He contended that the Convention of 1815 meant nothing more than that the Buddhists were free to celebrate their religious rites and to hold all the places devoted to their worship without molestation from the British Government or from any one else, and that the Ordinance went much further and sought to enforce by law the more easy and convenient celebration of the Buddhist rites and ceremonies. For this reason he disallowed the Ordinance, and added: "With a slight change of the machinery, the enactment which I have enumerated might very properly he brought together as constituting one complete and distinct enactment." Lord Torrington, who had succeeded Sir Colin Campbell, and to whom this despatch was addressed, felt very sorely upon the question as it then stood. The question is well summarized in the eight paragraph of his despatch dated 10th May 1849 (to be found among Parliamentary Papers laid before the Committee of Ceylon). "For a long time," says Lord Torrington, "various petitions have been presented to me from priests in some of the temples, complaining that they were utterly unable to obtain their dues, or indeed, any of their rights to property; that they were suffering great distress and hardship; that their property was being ruined and their temples going to decay, simply from the absence of any power to control or command their people or receive their presents. Your Lordship is fully aware that in taking over the Kandyan country they agreed by treaty to fulfil all the duties devolving on the King of Kandy, and one of these duties was the appointing by war-

rants the priests of the different temples. There is no other legal way of appointment, and none of the Courts of Law recognize any such unless the priest who institutes the case shows or proves his claims by putting in this warrant. As priests have died, others have been selected by their brethren to succeed, but in no way can they claim their dues; the people know it, and are cunning enough, in addition to their fondness for litigation, to refuse to perform their duties unless compelled by Courts of Law." Lord Torrington speaks of this as the "Buddhist Question" of his day, and he proposed to settle it not by enacting an Ordinance, but by resuming the practice of issuing acts of appointment to incumbents. Lord Grey replied, that, pending a substitution of some new system of nomination, the Ceylon Government might continue to grant acts of appointment.

Owing to the agitation of the Christian missionaries in Ceylon about this time, the Secretary of State, Sir John Parkington, by his despatch of 4th December, 1852, requested the Ceylon Government to relinquish its right to appoint the Buddhist incumbents, and under instructions contained in that despatch, the Government formed a Committee of Chiefs, consisting of nine Ratemahatmayas and four Basnayaka Nilames, who were to elect their own president, the Dewa Nilame, and generally to supervise the management of the Buddhist temporalities. The question of connection between the State and Buddhism, raised in 1846, was thus settled in 1853.

The question of claims to exemption from taxation of temple lands was dealt with by Governor Ward, by Ordinance No. 10 of 1856. The other important question of registration of services due to Viharas and Dewalas was settled by Sir Hercules Robinson, by Ordinance No. 4 of 1870. It was in the year 1870 that the third and the present phase of the question—the Question of Misappropriation by Incumbents,—was first brought to the notice of the Government. The Service Tenures' Commissioner for 1870 reported as follows:—"There is one question connected with the Vihare and Dewale estates which must before long force itself on the

consideration of the Government. There is no means of ensuring the due application of rents from these estates to their legitimate purposes. The labour which should be employed on the repair of ecclesiastical buildings, is frequently taken for the erection of private buildings of the priests and lay incumbents, and the dues are often not accounted for. The complaints of misappropriation of temple property are frequent. Even the land is sometimes sold to ignorant purchasers, and when the services are commuted, this misappropriation, if not checked, will increase to the serious demoralization of the priests and Basnaikes. If the revenues are not devoted to their original purpose, they should be employed on education, or otherwise for the benefit of the people, and not be appropriated to the personal use of Buddhist priests and Basnaikes." Then the Commissioner for 1871 said in his report: "It is necessary to again call attention to this question, as the evil is daily growing greater, and with its growth demoralizing the people and diminishing the value of public lands set apart for ecclesiastical purposes." I need not say that since 1870 the demoralization of the monks and the people has been growing.

I think, Sir, I may now justly claim to have established these facts: that the monks under the native kings were generally as pure as any order of priesthood in the world; that they attended to their duties to the best of their power; and that the temporalities were managed fairly and honestly in terms of the endowment. Furthermore, I have established that this satisfactory condition of things continued more or less up to the close of Governor Mackenzie's administration, to wit 1841; that when he refused to discharge his duty of granting acts of appointment to incumbents, the relations between incumbents and their tenants were seriously dislocated, and the rights of property enjoyed by the trustees of temple lands were largely withheld from them, in violation of the Convention of 1815; and that the question which Lord Torrington pressed for settlement on the Secretary of State was, not the dishonesty of the

monks, but the dishonesty of the tenants. After allowing vast numbers of tenants and their friends and relations to welter in this species of dishonesty for several years between 1840 and 1852, the Government proposed to settle the difficulties it had created by handing the supervision and control of the temporalities to a Committee of Chiefs. Was that really a settlement of the question? By no means, because the personal influence of the chiefs had begun long since to be on the wane. However influential they might have been under the kings, and even under the British rule for many years atter 1815, the imposition of a new revenue and judicial system on the country has been silently, but most effectually, undermining their personal authority over the people. The suppression of the "rajakariya" in 1832 was in itself a great curtailment of their powers, as also the proclamation of the Goverment a few years later that it would no longer interest itself in matters relating to the national religion. As the Government had been interfering with the religion and its priesthood only through the chiefs, the withdrawal of the Government from such interference was practically a severance of connection between the chiefs, as such, and the monks. Thenceforth the incumbents and the temple tenants saw that the chiefs had no more right, power, or excuse to interfere with them than ordinary laymen. I may add, that, about the year 1850, the silent working of the revenue and judicial systems during the preceding thirty years had absorbed the last vestiges of their personal influence. What that influence was, even as late as 1840, might be inferred from a little quotation that I shall make from the evidence of Sir Emerson Tennent, given before the Parliamentary Committee in 1850. "A very short time before I left the island," he said, "a Roman Catholic missionary mentioned to me a remarkable illustration of the connection between Buddhism and the chiefs of the country. He had every reason to be satisfied with his success in a certain district, which he named, which was a populous valley containing some villages. Almost universally the inhabitants of those villages had avowed to him their belief of Christianity, and

their readiness to profess it, but, when they were urged to do so, they entreated the missionary to address himself to the chief, and they stated that, if he would give his permission they would be prepared instantly, their whole families and their whole population, to profess the Christian religion. The chief was averse to it, and they have remained Buddhists to the present day." The power of the chiefs being thus shattered, what good was there in appointing a committee of Chiefs, without a proper constitution being devised by law for the effective working of the temporalities? The monks, therefore, soon found themselves adrift just as the tenants of the Vihares had gone adrift already. So there arose dishonesty on the part of the monks, in addition to the prevalent dishonesty on the part of the tenants.

Unthinking Christians have said that it is the fault of the Buddhist religion which makes its votaries so peccant, but such an inference reveals a complete ignorance of the deplorable condition of Christian priests in Europe even so late as the latter end of the last century. By a parity of reasoning, Christianity must stand condemned, because it failed to keep its ministers in the path of duty. The fact is that the mass of mankind are very liable to temptation and to be led astray unless administrative and legal checks are imposed upon them. The Ceylon Government removed such checks from the Buddhist laity and the clergy, and the present condition of things is the result. One of the fundamental injunctions of Buddhism is to take refuge not only in Buddha and the Law, but also in the Association of Monks: in such high esteem is this body held in Buddhism. They are really objects of worship, and must therefore, theoretically, be purity itself. The action of the British Government has reduced a large proportion of them to a state of impurity. The demoralization of the laity in being obliged to adore monks whom they know to be impure may, therefore, be easily imagined. In fact, the Buddhists are now drawing a distinction between the persons of the monks and the robes worn by them. They make peace with their conscience by saying that their adoration of monks is only an adoration of their

robes of office. The wholesale demoralization of the country is admitted on all hands. I have proved its existence to be due primarily to the action of previous Governors and Secretaries of State.

The question for the Council now is, whether or not it is the duty of the Government to remedy or stem the current of this wholesale demoralization. I have no hesitation in saying that the increase of crime and litigation in the country is due as much to this demoralization as to any other cause. Are the Government, or are they not, bound to try to put an end to this state of things? In the presence of this grievous condition of things, it is only deeply ignorant or prejudiced people who will persist in stirring up the *odium theologicum.* It is not a question of Christianity losing ground or Buddhism gaining an advantage, but how a great social evil is to be remedied, how the fraudulent conversion by trustees is to be stopped. Rival religionists as such cannot do justice to this question. The government, who now acknowledge that they occupy neutral ground and are responsible for the present state of things, are alone competent to deal with it. As the frauds that are being perpetrated cannot be reached by the existing law, and as such offences are the outcome of a want of organization, the only remedy consistent with justice to all parties is, first, to give the Buddhists a good working constitution, and then to punish such men as those who offend against its rules.

Having demonstrated the necessity for the Government dealing with this question, quite apart from conventions, promises and admissions on the part of previous Governors and Secretaries of State, I wish to ask if the organization proposed in this Bill be objected to, what is the alternative organization that might be proposed? I can think of no better scheme. The Bill leaves the management of the trust entirely in the hands of the Buddhists, and authorizes the Provincial Committee that may be elected by the Buddhists to sift the accounts kept by the trustees, and to submit them for audit eo the nearest District Court, in the same manner as the txisting law compels all administrators, executors, and guar-

dians, of whatever creed or race, to render accounts to the District Court. Can it be said, that because District Courts have to supervise the accounts of Buddhist administrators, the prestige of Buddhism is being increased? No principle in the methods of British administration is clearer or better known than that the Judges are independent of the Executive Government, and that the law knows no distinction of colour, creed, or race. What justice, nay common sense, is there in the argument, that, by the accounts of temple trustees being audited by Courts of Law, a new bond of connection between Government and Buddhism is being forged, or that Buddhism is being encouraged? I can understand the argument, that, by such auditing, not the Government but Courts of Law have been connected with Buddhism, but unfortunately in the same sense, the Courts of Law have been connected with murder, adultery, theft, and, alas, every species of evil on earth! That argument therefore proves too much. It involves the dilemma that British Courts of Law should be abolished, or that it is perfectly justifiable that they should audit these accounts.

But what means this intolerance, this diseased sensitiveness in Ceylon, when in India, where there are two millions of Christians, several bishops and a proportionately large number of official and unofficial chaplains, the Government of India have gone to greater lengths in regard to Hindu temples, than my hon. and learned friend the Attorney-General has chosen to go in Ceylon? From a careful study of the question, I am perfectly convinced that he has taken great pains to conciliate the wishes of the Christian missionaries. In the Bill before us my hon. and learned friend empowers the headmen of each sub-district to call meetings for the election of Committee members. The Indian Act (XX of 1863) actually enables the local Government to appoint the Committee members themselves in the first instance and to notify such appointments in the official Gazette. In case a vacancy arises in their midst the Committee members have to fill it up as they like. Should such vacancy remain unfilled, the Indian Court has the

power to appoint its own nominee to it. The Chief Court has also the power to call for the accounts of the trustees, and may in certain cases appoint managers to perform all the duties, and exercise all the powers usually exercised by a trustee or manager. If my hon. and learned friend had only introduced similar clauses in Ceylon, I suppose the missionaries here would have stoned him to death.

I have now all but done, sir. I do not commit myself to the details of the Bill, which I shall deal with in Sub-Committee. I desire only to say, that, if the scheme proposed can be made to work, this Bill must be considered as one of the greatest achievements of your administration—as great as the relief you afforded to the country at large by guaranteeing the discredited notes of the Oriental Bank Corporation—and greater than the setting apart of a portion of the grain-tax for a systematic irrigation policy: a greater achievement, I say, because the Bill aims not only at reforming a social abuse affecting nearly two millions of people, but also at spreading elementary education throughout the length and breadth of Ceylon. It does more. It is an important contribution towards self-government, on lines more enlarged than any we have had hitherto, be it District Road Committees, Local Boards, or Municipalities, nay, more still! It will lay aside that lurking suspicion in the minds of the natives, that the British Government acquires and rules over countries only for its own end, or for the benefit of English settlers, without reference to their own needs and inner convictions. This Bill is a standing refutation of that idea, and will have the effect of evoking the utmost loyalty in the minds of all natives, for the simple reason that it does them justice at last, and is an outcome of the purest disinterestedness.

[After the Bill was read a second time, it was referred to a sub-committee on which MR. RAMANATHAN was appointed to serve. It was finally passed in March, 1886.]

IN VINDICATION OF THE IRRIGATION POLICY OF THE GOVERNMENT.

[20TH OF DECEMBER, 18:8.]

In the course of the discussion on the Supply Bill for 1889, at the Committee stage of the Council, the Hon'ble MR. T. N. CHRISTIE, the Planting Representative, moved that the vote of Rs. 41,700 for the Kitulbokka anicut and channel and Hulanduoya anicut be considerably reduced, and endeavoured to show that the general policy of the Government as regards Irrigation works was unsound.

MR. RAMANATHAN spoke as follows, in defence of the Government policy:—

I never expected that my honourable friend the Planting member would raise a debate on the subject of Irrigation before reading the papers which he had called for early in the day. I find his argument centres round two points: the general policy of irrigation pursued by the Government, and the special vote for the Kitulbokka scheme. As my honourable friends who have spoken before me to-day have very ably dealt with the merits of the special vote, I propose to confine my remarks to the first question.

My hon. friend asks, "Why should Government expend large sums of money on irrigation works, when rice could be so easily imported from India and sold at the doors of the villagers?" Now, there are several grave assumptions and erroneous views implied in the statement. It implies a population anxious to bring their labour to distant places, where it may find remunerative earnings. It suggests conditions of existence like those which cause immigrants with small savings and good physique to flock to Australia, in the hope of bettering their prospects and founding a comfortable home; or conditions of existence like those prevailing in England by virtue of which large masses of rural population, not having an inch of arable land which they may call their own, find themselves compelled to gravitate to manufacturing towns. To such town populations it is, of course, as

necessary as it is easy to supply imported food. If my recollection serves me true, I think it is Sir William Hunter who says that in England the rural populations are to town populations as 25 is to 100. In Ceylon and India the reverse is the case. Here rural populations are by far the largest part of our population, perhaps 90 % of the whole, and they live scattered about, often in remote and out of the way places, where it would be difficult to carry imported food. That is not all. Even if imported rice can be taken within reasonable limits of expense to the doors of the villagers, my hon. friend must remember that they have no savings in money to buy the rice. Who does not know that from one end of the year to the other, villagers, especially in districts far removed from towns, do not finger coin and help actively in the circulation of capital. Most of their operations are carried on by barter of foods, and coin comes in only very exceptionally. Then again, my hon. friend has forgotten that imported rice is not adapted to the requirements of our villagers. It is too easily digested, being very different from the coarse rice grown in the country, and our villagers cannot afford to have two meals of imported rice. They will not buy it for that reason, if for no other.

My hon. friend's statement of the question ignores, moreover, a special feature of our rural population, namely, that they are land-holders and are therefore bound to cultivate their own lands, their own little rice fields, which give them a return, poor it is true, but a return all the same, and more than that, some useful work to occupy their time and attention. They are thus too settled to migrate to distant places. Even if inclined to migrate to busy towns, how are they to maintain themselves till they find employment. I have already shown they have no savings in money worth speaking of.

Then again, my hon. friend has failed to take note of their habits of thought. If Western civilization teaches one thing more than another, it is infinite duty with highest comfort. Make yourself as comfortable as you can consistently with duty and your means, is its teaching. If, for instance, one

finds one is able to buy a comfortable chair for himself instead of the bench he had been using, it may be his duty to buy that chair, if his means and other engagements will permit him to do so. But Buddhism, which is the religion of the greater part of our villagers, following in the path of Hinduism, teaches that desires should not be allowed to expand, that desires should be controlled.

Contentment being thus the creed of our villagers, my hon. friend surely does not propose to force on them the teachings of Western civilization by compelling them to migrate to towns? He would defeat his end, if he attempted to violate the cherished feeling of the villagers. If he desires to make them converts to European modes of thought, he must teach them by their own ways of thinking, afford them facilities for cultivating their fields, enable them to make small savings, teach them the fruits of industry and economy, and then leave them to chose between the East and the West. My hon. friend has forgotten, I say, their habits of thought, their social features, local conditions and peculiarities of climate which subjects them to periodical droughts and frequent insufficient supplies of water.

Similar reasons have prompted the Indian Government to expend large sums of money, far beyond the resource and even the dreams of Ceylon, upon irrigation works.

My hon. friend, perhaps, was ignorant of what is being done in India, when he quoted India as a great rice producing country. It is so owing to its grand rivers and irrigation works, some idea of which he may gather from Mr. Markham's paper on the subject, published as a Parliamentary paper. Perhaps he would like to know also what a distinguished member of Parliament, who was also a Governor of Madras, has said upon the irrigation policy pursued by the Indian Government. After stating that in India there were two kinds of public works, ordinary and extraordinary, the former being paid for out of the general revenue, and the latter out of loans especially raised for the purpose, he says,—"Irrigation is of the last importance in the development of our great nIdian estate, and we shall spend, I believe, a great many mil-

lions on it before the century is done......... Irrigation would not by itself have prevented the great famine known as the Orissa catastrophe. Roads and railways coming in aid of irrigation would have prevented it." And he continues,—"So long as we can afford to pay for our public works out of the general revenue of the year, without overtaxing the people, and as long as the central authority severely controls the expenditure so as to see that jobbery and blundering are minimised, I am perfectly content to see a large expenditure on public works "ordinary." You can hardly overrate the wants of India in this particular. The expenditure of hundreds of millions upon her soil will not bring her up to the level of a civilized country like England or even France, but when it becomes a question of borrowing, then it is a very different matter, and I watch the increase of our public works "extraordinary" with great jealousy." Such are the views of Mr. Grant-Duff as expressed in an article on India published in the 'Contemporary Review.' These remarks apply equally well to our own irrigation policy. I would add that the irrigation policy in Ceylon is not the extension of cultivation of rice only, but of nearly all that which relates to the moral and material advancement of the people; and necessarily so because of the special conditions of their existence.

My hon. friend has spoken of irrigation works and irrigation policy. It is well to bear in mind that there are three classes of irrigation works: (1) village tanks, (2) river, reservoir or channel-feeders to village tanks, and (3) isolated works of great magnitude. Loans may be necessary for the last class of works, and I am at one with my hon. friend in thinking that jealous criticism ought to be brought to bear on their execution. But as regards the two other classes of works, they are generally within the means of the annual revenue, and it is important if my hon. friend and I can come to some agreement upon them. He says that he is ready to spend money on them indeed, as I understand him, on all works generally, (1) if such works are blessed with a moderately good climate, (2) if

they are located among a fairly good population, and (3) if the people are willing to work.

Now, Sir, as regards the first condition, surely my hon. friend knows that climate improves with the opening up of a country. Take, for instance, the country beyond Mirigama as it was when the line of railway from Colombo to Kandy was being constructed. The death-rate among the coolies was so terribly large that all that district soon got the name of "the Valley of Death." How is it now? A long series of flourishing estates has come into being, and the consequence is the death-roll is nothing abnormal, and the country may well be called "the Valley of Life." It is only favoured spots which enjoy a salubrious climate. Generally, it is the result of a country being opened up and peopled. So that I am sorry I cannot accept his first principle as a sound one.

But as regards the second principle, that there should be a fairly good population in the neighbourhood of tanks, I agree with him. The question of what is "fairly good" will always be a relative one and an uncertain one, because it will not only include the existing population, but also its capacities for augmentation from other places. I believe the Government have always borne this principle in the work of restoration.

His third principle is that the people should be willing to work. I go further. They are even willing to pay. It was precisely upon these lines that our irrigation policy was founded. Sir William Gregory explained to the Council: "We have now three systems at work in respect of irrigation in Ceylon: (1) where construction is executed by Government and the cost repaid by ten instalments, it being intended by the Government in 1867 to assess the landowners for maintenance and repair at the end of ten years, though such intention is not embodied in the Ordinance; (2) where construction is executed by the Government and the cost of such construction and of maintenance and repairs is defrayed by a water-rate of one rupee per acre in perpetuity; and (3) where the villagers do all the work of repairing and maintaining their bunds, the Government supervising the work and gratuitousy supplying the masonry and iron sluice gates."

Our irrigation system is thus based upon a contribution of labour or money on the part of the villagers. It is a great mistake to view irrigation works as "charitable" works. I have heard this term applied before now to them. The Government are not throwing away public funds on charities, when undertaking irrigation works. They get in return, on behalf of the public, things far more valuable than money.

Laying aside the works for which money payments are recovered, let me deal with the special condition insisted upon by my hon. friend that the villagers should be willing to work. There is a return, submitted to the Council in 1877, which proves conclusively that the labour contributed by the villagers towards the restoration of tanks, when valued in money at their completion, is as much as three times the amount expended by the Government! I take it that this ratio is applicable to other provinces besides the North-Central. The villagers not only pay two-thirds of the cost of the tanks, but pay grain taxes also. Therefore, Sir, it is unfair to speak of moneys expended on irrigation works as moneys thrown away on charities.

My hon. friend complains of moneys being voted for irrigation works, quite forgetting what is being done for the planters as regards the grant-in-aid system of roads. Sir, the planters contribute only half the cost of the roads, and the Government votes out of the public funds the remaining half, My hon. friend will not say that this is charity; we do not say so. But though the poor villager pays two-thirds of the cost of the village tanks, and also his grain taxes like a man, he is said to be favoured and is looked down upon to boot! Do the planters, Sir, pay taxes on their produce? No, and the villager is despised. The truth appears to be, and Your Excellency has recognized the justice of the principle, that the grain tax cannot be justified unless a portion of it at least is returned to the payers of that tax in the way of maintaining free of cost the irrigation works. However, that may be, it is, I say, not on the principle of charity that the Government contributes its share towards the making of grant-in-aid roads or village tanks. It is upon the

principle of helping those who help themselves.

In the restoration of these village tanks, counting by the thousands throughout the country, how much energy and labour have been developed, the surest factors of an improving civilization! It is little less than folly to expect an immediate return out of factors and conditions of this description. It was, I believe, the policy of the Portuguese and the Dutch not to lay out moneys on anything that would not yield more or less immediate returns. That I believe is also the policy of the planters. But the policy of the British Government in the administration of a country is to look further ahead and develop slowly but surely the seeds of permanent civilization, such as home industries, education &c. Rice cultivation is a home industry, and itsfruits will be realized only with the progress of years, gradually, as those of education, and as certainly. My hon. friend would suppress this important home industry, which gives bothfood and occupation to so many thousands of people.

Then, what would he say if suddenly a war broke out and our supplies of imported rice were cut off? How could we feed them all? In times of peace the results of a sound irrigation policy are self-help and energy, cheap and nutritious food, savings of earnings and comfortable homes, a loyal and industrious population. It is, therefore, that I would have my hon. friend remember that our irrigation policy is extension of not rice cultivation only, but of nearly all that relates to the material and moral advancement of the people.

In the pursuit of this policy, mistakes will occur occasionally, but we must not cavil. If my hon. friend's predecessor in the planting chair (Mr. Downall) were present, he would say the same thing. I do not blame my hon. friend. I am glad that the few who disagree with the Government policy have found an exponent of their opinions in an advocate so remarkably able as my hon. friend. Such criticism we must expect from time to time, and but for it and the discussion upon it, the public may lose their interest in our irrigation policy. I therefore am by no means sorry that he has chosen to speak on the subject. Now that he has heard, and will hear

in the course of the sitting, the true reason and bearings of the irrigation policy, I hope he will abandon his views as groundless and extend to us his sympathy and assurance of support.

ON THE RULES REGULATING THE ADMISSION, EDUCATION AND EXAMINATION OF LAW STUDENTS.

[13TH OF FEBRUARY, 1889.]

The Attorney-General the HON. MR. S. GRENIER introduced in Council during the session, 1887-88, an Ordinance to consolidate and amend the laws relating to Courts and their powers and jurisdictions. MR. RAMANATHAN had drafted a complete scheme for the admission, education and examination of students-at-aw, and intended to embody it in an Ordinance, but as the Attorney-General desired to adopt that scheme and make it as a part of his own Ordinance relating to Courts of Justice, it was resolved to annex the scheme of legal education to the Ordinance relating to the Courts as one of its schedules. After the Bill had been read a second time, the Council resolved itself into a Committee on the 13th of February, 1889, to consider the report of the Sub-Committee, and MR. RAMANATHAN made the following remarks.

The Bill was passed in due course.

MR. RAMANATHAN said:—

Let me, Sir, say a few words on the subject of the rules for the admission, education and examination of law students. There appears to be some misunderstanding about these rules. As they are of interest not only to law students and their masters, but also to the public, I ought to have explained the reason and scope of the rules at the first or second reading, but I did not wish to occupy the time of the Council, busy as it then was, with an explanation of a matter which I thought was patent at least to those immediately concerned.

I think, Sir, it will be conceded that the more carefully and the more earnestly students are educated for the legal profession, the better would the interest of suitors be served, and that, as a strict examination necessarily leads to the selection of the fewest and fittest, their chances of success in the profession would be proportionately higher. Now, under the Rules of 1841, which we are repealing, the duty of instructing students in the knowledge and practice of the

law was left to private advocates and proctors in their own chambers, and the Supreme Court provided that the candidate should be eligible to stand the examination only in case he produced from his master a certificate that, during the *whole* of the three years covered by the articles of apprenticeship, he was *actually* employed as clerk in the proper business of proctor, and had been, during the *whole* of such period, instructed in the knowledge and practice of the law by such master. If the trust reposed by the Supreme Court upon the master and student were faithfully carried out, the master would have insisted upon his student attending his chambers at least two or three times every week, prescribed for him a regular course of law studies, examined him from time to time, made him do the work cf a clerk, copying and often framing the different forms and precedents necessary for the due prosecution of a case in Court. and asked his attendance in Court occasionally, so as to learn how a case is conducted in Court. There are no doubt some lawyers, at the present day, who keep their students to their work more or less in this way, but, alas! they are too few, and the consequence is that, notwithstanding the production of the certificate in all its strictness, the general run of students has been found to be remarkably ignorant of law and even of plain English. Matters became so scandalous that the Council of Legal Education ruled that they would not examine students who have been plucked twice, unless they satisfactorily showed why they failed to prepare their subjects in a competent manner. The Council also ruled that "competent knowledge" of the subjects of the examination should mean the earning of 66 per cent. of the maximum marks. It was pointed out to me by law students that both these rules worked very harshly on them, so much so, that only an extremely limited number of students were able to obtain passes. The students felt that these rules had the effect practically of barring most of them from entering the legal profession. They also complained that, at the close of their three years of study, they were submitted to a preliminary examination on general subjects,—subjects relating

to general knowledge,—which reduced still further their chances of passing as proctors; and they contended that the proper time for a preliminary examination was before they were admitted to read law, and not three years after they had been admitted as students-at-law. They further complained that nobody appeared to take an interest in their welfare, but were allowed to drift and ultimately to fall victims to circumstances.

From my own knowledge of local affairs and conditions I had perceived long ago that the entire scheme of their studies required urgently to be re-organized, and the rules relating to their admission and examination made not only definite and equitable, but also more suited to the wants of the country, so that candidates might know beforehand for certain what was expected of them and be freed from arbitrary treatment on the part of the examiners or even of the Council of Legal Education, against which the students were very bitter. It appeared to me that it was high time that law students should be dealt with much in the same manner as our medical students are. I carefully worked out a new scheme, framed the necessary rules and submitted them to the Committee appointed to report on the Civil Procedure Code, and upon their approval, the rules were submitted to the Judges of the Supreme Court, who had no objection to offer. It is these rules that honourable members are now called upon to pass.

Under the proposed system, the admission of students to read law will depend upon their passing a preliminary examination on subjects of general knowledge, if they have not already passed certain University examinations. Upon being admitted, they have to pay certain fees to the Council of Legal Education in order to enable it to provide for law lectures and other expenses. Hitherto, these fees have formed a part of the income of advocates and proctors, and I may say that in diverting these fees to the Council of Legal Education, I personally lose a fairly large income every year, and so do my Hon. and learned friends the Attorney-General and the Sinhalese member. But we don't complain

of this loss, nor have I heard of any complaints on the part of other advocates or proctors. We believe that the interests of the public ought to over-ride the interests of small minorities. When the students are admitted to read law, they are all required to be in Colombo during the period of the delivery of the law lectures. Residence in Colombo will enable students not only to become familiar with the manner in which cases are heard and disposed of in the District Court of Colombo and the Appellate Court, but also to study the ways and principles of the leading lawyers of the metropolitan bar. Under the existing system, a student in the remote provinces, having no better example before him than his own master, is apt to copy his virtues as well as vices, and so transmit the latter from one generation of lawyers to another, much to the detriment of the country. This will not be possible hereafter. The lecturers will keep the students to their work and examine them from time to time during the first eighteen months of their study, and when they have satisfied themselves that they are fit to stand a public examination, they will certify to that effect, whereupon such students will be admitted to what is called the intermediate examination. If they pass it, they will have to read and be lectured for 18 months more and pass the final examination. After that, the successful students are required to go under a practising lawyer and learn for six months that part of his work which is usually done in chambers. At the end of that period they are admitted as proctors. The whole course occupies three-and-a-half years, and no parent need hereafter entertain fears of his son being not cared for or wasting his time or opportunities. Now, Sir, it has been said that the subjects prescribed by the rules before us are more numerous, if not more difficult, than those set under the existing rules. I cannot concede this. Take the final examination for proctors. The subjects we prescribe are the law of persons and property, the law of obligations, the law of evidence, civil procedure including pleading, criminal law and procedure, bankruptcy and administration. These, under the old rules, are classed under the following heads, as

notified in the *Gazette.* Roman-Dutch Law, English Law (including Blackstone's Commentaries, Chitty on Contracts Smith's Mercantile Law, and Story's Equity Jurisprudence) Law of Evidence (Taylor on Evidence), the ordinances, rules and orders and local law reports, and special local laws (such as Kandyan law, Thesavalamai etc.). Bankruptcy under the new rules is covered by the Ordinance 7 of 1853 prescribed by the old rules; administration falls under the head of rules and orders and law reports; and criminal law and and procedure stand in lieu of Ordinance No. 11 of 1868 and several other ordinances, mentioned in the *Gazette* notice. It will, therefore, be perceived that the new rules do not introduce any new "subject." The new rules have only re-classified the "subjects" provided by the old rules, and have placed under each subject newer and better text-books. It is not intended to examine the students on the text-books but only on the "subjects." The notification published in the *Gazette* under the old rules refers to special text-books under each subject, but the Council of Legal Education has never examined the students on those text-books, because they were mentioned only to guide the students in their studies.

Under the new rules, it will be seen that lecturers are to deliver a course of lectures upon each "subject" and the examination will also be on each "subject." At present, law students find it extremely difficult to know what the law of Ceylon is upon a point, for though they may know what the Roman Law or the English Law is on that point, it need not be the case that the law of Ceylon should be either the one or the other. The lecturer will be able in his lectures to give the result of his researches, and if they are carefully written out, these lectures will be of great use even to the general public.

I have thus done my best to smooth down the difficulties which at present beset a law student's career. They were complaining of the 66 per cent. rule, of the two-failures rule, of the preliminary examination on general knowledge coming at the end of the three years, of uncertain action

on the part of the examiners and the Council of Legal Education, and of an utter want of interest in their affairs and destinies. I have endeavoured to help them upon all these points. But human nature is seldom content. So a few students have persuaded themselves that they have a grievance when they are asked to stand the final examination provided by the new rules. I have shown that their grievance is quite without foundation. They were bound to read up the subjects prescribed for them in the *Gazette* notice, including the rules and orders and ordinances on Insolvency and Administration, but the circumstance that hitherto no special paper has been set on those subjects is not a reason why hereafter they should not submit to it. A candidate who receives a certificate from the Council that he is entitled to practise the profession ought not to grudge to pass an examination in a department of law which occupies an appreciable portion of the attention of the District Judges. Similarly, is it fair to the public to allow a gentleman to hold himself out as a lawyer and recover fees who objects to passing an examination in Criminal Law? So far, in respect of candidates reading for the proctors' examination.

Let me say a few words on those reading for the advocate's examination. Under Ordinance 19 of 1873, they are bound to pass in Classics, Roman Law, Roman-Dutch Law, English Constitutional History, Law of Evidence, Jurisprudence and International Law. The new rules dispense with English Constitutional History and International Law as subjects of examination, and bring in the following subjects of more practical importance to the Ceylon Advocate, viz., Civil Procedure and Pleadings, Criminal Law and Procedure, and Bankruptcy and Administration. A student who passes the present Advocate's examination without a knowledge of the subjects just mentioned will be utterly unfit to hold a brief in our Courts. He cannot practise till he gets up portions at least of those subjects. Is it not better then to pass an examination in them and then at once to proceed to practise the profession, rather than refuse practice till he studies them?

Why should the Council hold out to the world a man as possessed of a "satisfactory" knowledge of the law, when the truth is that he is quite ignorant of many of its most important departments? Sir, I am unable to sympathize with law students who cannot see what their true interests are. Our duty is to provide the Island with men properly qualified to practise the profession as proctor or advocate—men who would adorn, not disgrace, it. That principle—the good of the public and of the profession—is the stand-point of view of the new rules.

ON THE NEED FOR A SURVEY OF THE PROPOSED RAILWAY TO JAFFNA.

[20TH MARCH, 1889.]

In the year 1886, certain leading residents of Jaffna pressed on th attention of tne Government, the subject of extending the railway towarde the north; and in the following year, on the motion of MR. RAMANATHANS the Legislative Council appointed a Select Committee consisting of two official members—the Treasurer (Mr. G. T. M. O'BRIEN) and the Surveyor-General (Colonel T. CLARKE),—and two unofficial members Messrs. RAMANATHAN & BOSANQUET—to take evidence as to the goods and passenger traffic which a line of railway, running either from Matale to Jaffna or from Polgahawela to Jaffna, might command, and to report their views thereon.

The Select Committee gathered together the replies received from the witnesses to whom they had addressed certain questions, and forwarded them to the General Manager of the Ceylon Government Railways, for an estimate of the income and expenditure in respect of he alternative lines mentioned above. The Select Committee itself did not analyze the statistics submitted to it, nor express any opinion on them.

The General Manager drew up an estimate of income and expenditure in the best way he could, though the documents supplied to him were, in many ways, meagre and conflicting. He came to the conclusion that the proposed railway, if made, would entail a heavy loss. The Select Committee reported to the Council accordingly, in the belief that the General Manager must be right in his premises and his conclusions.

Soon after this report was tabled in Council, Mr. RAMANATHAN, realized the mistake committed by his colleagues and himself in too readily accepting the opinion of the General Manager, and moved, on the 20th of March, 1889, that a professional survey of the proposed alternative lines of railway be made.

MR. RAMANATHAN said:—

On a previous occasion, in November, 1887, the Surveyor-General had reported that the approximate cost of a flying survey would be Rs. 40,000. If Your Excellency is so in-

clined, you could very well lay aside that amount out of the proceeds of the pearl fishery which is going on now. Last year the fisheries off the coast of the Northern Province yielded Rs. 800,000, and this year's fishery off the North-Western Province promises to give a satisfactory return. I do not think a vote for the Jaffna railway survey this year would be considered unfair or unnecessary.

The Railway Committee of Jaffna pray in their memorial that such a survey should be undertaken by the Government. The reason why that Committee decided to take the unusual course of putting themselves in communication with a private contractor appears to have been its fear that the Government of Ceylon believed that the proposed railway would never pay. The Government Agent of the Northern Province certainly does not seem to be enamoured of the proposal, and Your Excellency is also unfortunately of that frame of mind When you last visited Jaffna in July, 1887, you candidly told the deputation of the Jaffna Railway Committee which waited on you—"I think I should not be dealing fairly with you if I did not at once avow that, whatever may be the case at some future period, there is no present probability that the work you desire will, for many years to come, be seriously contemplated by the local Government." Failing to receive the support of either the Government Agent of the Province or the Governor of the Island, the Jaffna Railway Committee have determined to go without it and shift for themselves. But that determination and their statement to the Council that they themselves desire to negotiate with a private contractor have left the impression that they are fighting a forlorn cause.

When I moved for and obtained a Select Committee to report upon the proposed line, it was supposed that I was doing only a formal duty. At the meeting of the members of the Committee, the under-current of our feeling was that we were wasting valuable time. Somehow we could not shake off the prejudice that the line would not pay. It was spoken of as a line to the moon. The great length of the line,

"the wilderness of the Northern and North-Central Provinces" through which the line would pass, the scepticism of the Government Agent for the Northern Province, the abandonment by the Jaffna Committee of the expectation that the Government should undertake the work, and the entanglement of the colony in regard to the Haputale Railway extension, were no doubt the principal causes which helped to create this prejudice. But this was not the only besetting sin of the Select Committee. There were other difficulties which unexpectedly intervened in Committee and prevented that full and critical consideration which the question demanded. But I shall not state now what happened in Committee. I shall only say that by some fatality everything conspired to the miscarriage of this subject. In my experience, I do not know of any other public question drifting in this extraordinary manner. The end of it all was that we three members of the Select Committee agreed to report, firstly, that, of the three alternative routes to Jaffna, the route via Polgahawella, Kurunegala, Dambulla, and Anuradhapura would most probably secure the greatest amount of traffic and best serve the interests of the Island; and secondly, that the probable total receipts from this route would amount to Rs. 981,330, and the working expenses to Rs. 1,052,088, leaving a loss of Rs. 70,758.

Now, Sir, the reason put forward by the Jaffna Committee for asking for a survey is, as I have said, their desire to put some definite line before a private contractor so as to enter into a treaty with him. If that reason commends itself to you, I am sure you will accede to their request. But for my part I ask for the survey on a much higher ground, which I hope to establish to-day, that the Jaffna Railway will pay.

Since signing the report of the Select Committee, I have been able to take a different and new view of the question. I have shaken myself off from the delusion which had taken possession of us all that the line would not pay, and I have carefully re-considered the question, much more

carefully than I had when sitting in Committee with the incubus of prejudice and scepticism which obscured our judgment. I shall never cease to regret the part I had in presenting to Council the Report which I am now criticizing, I blame myself intensely, and have taken the earliest opportunity to rectify the mistake. I do not blame my colleagues who acted with me in Committee. But I condemn myself over and over again for allowing myself to be spellbound and to drift hopelessly to a foregone conclusion. I am now anxious to undo the mischief, Who, in this world has been free from mistakes? Do not the best of Judges at times recall their solemn judgments? I recall my judgment, not upon the point that the best route to Jaffna would be the route from Polgahawela, via Kurunegala and Dambulla, but upon the point of income and expenditure.

What are the reasons for the Select Committee for arriving at the conclusion that the probable receipts would amount to Rs. 981,330, and the working expenses to Rs. 1,052,008, leaving a loss of Rs. 70,758? The Select Committee had before it the figures furnished by the Jaffna Committee, the reports of the Government Agents of the Northern, North-Central, and North-Western Provinces, and the reports of the Assistant Agent at Puttalam and of the Director of Public Works. The Select Committee forwarded all these papers to the General Manager of the Ceylon Government Railways, and requested him to report on them. The General Manager, without assuming responsibility for the statistics placed before him, proceeded to collate them to the best of his power, and came to the conclusion that the total receipts would amount to Rs. 981,330, and the working expenses to Rs. 1,052,008. The General Manager has openly given his reasons, but have the Select Committee given their reasons for borrowing this conclusion? None whatever. The value of their borrowed judgment cannot possibly be anything more than the value to be assigned to the General Manager's judgment, and let us see whether this would stand legitimate criticism.

Hon. members will note that, under the head of working expenses, the General Manager bases his calculation upon the supposition that four trains would run every day, except Sunday, between Polgahawela and Jaffna, and two trains from Polgahawela. This is a luxury indeed! I do not know what induced him to charge for two trains either way. At present it takes about sixty hours for a passenger to get down to Colombo from Jaffna by coach and railway, and between three and six days for goods to reach Colombo. If a railway train were running, allowing twenty-five miles per hour, the whole journey would be done in about ten hours. Surely, then, we ought to be satisfied with one train a day either way. What difference does this make in the working expense? A reduction of Rs. 175,000. In other words, accepting for argument's sake that the receipts would not amount to anything more than Rs. 981,000, as found by the General Manager, the conclusion is inevitable, that, if only one train ran per day either way, so far from there being a loss of Rs. 70,000, there would be a profit of Rs. 105,000. This is not to be challenged. And yet, if the Select Committee's report is to stand, the world would run away with the belief that the Jaffna railway is one of the wildest schemes ever proposed by man. No, Sir, it is not a wild scheme—it is a very practicable scheme. It is a scheme that will do the greatest good to Ceylon.

Having shown a profit already of Rs. 105,000 on the head of receipts—these coming from two sources, local traffic and through traffic,—I shall direct your attention to the local traffic assigned to the three sections named by the General Manager,—the Polgahawella-Kurunegala section, the Kurunegala-Anuradhapura section, and the Anuradhapura-Jaffna section. I have no remark to make on the traffic estimated for the first section, but as regards the second section, only 30 tons of goods are represented as available between Kurunegala and Anuradhapura. Is this possible, in view of Mr. Ievers' report that the North-Central Province "draws the largest proportion of its supplies from the North-Western

Province"? I believe the population of the North-Central Province to be about 66,000, and if the largest proportion of their supplies is drawn from the North-Western Province, is it not ridiculous to suppose that only 30 tons of goods would pass from the one Province to the other? The General Manager has wholly overlooked the importance of the passage just cited. Even so, as regards the estimate of the passenger traffic, he remarks: "No local passenger traffic is mentioned with the exception of the 6,000 pilgrims each way." But he has forgotten this important paragraph in Mr. Ievers' report- "I noticed last year that a good many carts were employed at all the *kadais* along the North Road in conveying coolies going to and fro from the coast at one-and-a-half cent per head per mile. These carts are crammed with coolies. I have never, before last and the present year, seen this manner of cooly travelling." It is thus clear that the General Manager ought to have given credit to this section for not only the 6,000 pilgrims, but also a large number of coolies, several thousands I should say, who would doubtless use the railway at least between Anuradhapura and Dambulla on their way to Matale. Then again, what becomes of the resident population who may move about between Kurnegala and Anuradhapura? This too is lost sight of in the estimate of receipts. I acquit the General Manager of blame, but I think the Select Committee ought to have called attention to these serious omissions.

Then as regards the Anuradhapura-Jaffna section, the estimated goods are 5,000 tons. Of this quantity, 48,000 bushels of gingelly are said to be 1,300 tons, but 45,000 bushels of kurakkan are put down as only 820 tons. What is the reason of this great difference in weight between gingelly and kurakkan? In this section too no allowance whatever is made for passenger traffic. Are there no persons travelling between Jaffna and Anuradhapura?

For the three sections the total local traffic, consisting of passengers and goods, is found by the General Manager to yield Rs. 178,000. I submit that, if the omissions I

have referred to be supplied, the proceeds would be over Rs. 250,000. We will take the difference to be Rs. 70,000 to be added to the local traffic of the three sections.

Let me now pass on to the through traffic, which is traffic carried from one end of the line to the other. According to the Jaffna Committee, the goods available for the railway were estimated apparently at 26,000 tons. Mr. Twynam, commenting on this estimate, says:—"It has been drawn up from Blue Books, Customs returns, and information received from toll renters, and I have every reason to believe that it has been carefully worked out." And he continues further on:—"The Select Committee may accept the figures given by the Jaffna Committee as a tolerably accurate estimate of the total cost incurred on the conveyance of goods and passengers to and from the Peninsula of Jaffna, coastwise and by land." Having thus endorsed fully the figures of the Jaffna Committee, he is at issue with them only as to how much of these goods would go to the railway. He is of opinion that not more than one-third would go to it. That opinion is quite unsupported by reasons. The Select Committee did not take the trouble to ascertain his reasons. However able and experienced Mr. Twynam may be, yet I do not see why his opinion should prevail over the collective opinions of about sixteen of the most prominent and business-like men of the Northern Province who form the Jaffna Committee,—men whose reputation for intelligence, experience and sobriety stands very high indeed. Under the circumstances, the Select Committee should have gone most minutely and carefully into the question, and given their opinion after due discussion, as to how much of the goods were likely to go to the railway The Committee, however, did nothing of the kind, and the General Manager, left to himself, adopted Mr. Twynams opinion, that only one-third would go by rail, and thus arrived at 8,700 tons, yielding Rs. 295,000. What a difference between 8,700 tons and 26,000 tons! On Mr. Twynam's own admission, 26,000 tons of goods are conveyed to and from Jaffna, coastwise and by land, but it is by a sort of

toss-up method, for all we know, that he gives over to the railway 8,700 tons. Are hon. Members going to be satisfied with this opinion? I hope not. It is on the face of it highly improbable that, with the facilities afforded by a railway, only one-third of 26,000 tons would go by rail. I cannot accept Mr. Twynam's opinion to be final. Far more reasonable, and well within the bounds of safety, would it be to divide the tonnage equally between ship and rail. If you will go with me in this middle course, the difference between $\frac{1}{3}$ and $\frac{1}{2}$ would be Rs. 148,000, that is, the receipts from 13,000 tons would be about Rs. 444,000, or Rs. 148,000 more than the Rs. 269,000 estimated from 8,700 tons.

Let me come now to the through passenger traffic. The Railway Manager, acting on the general recommendation of the Government Agent, Northern Province, that the figures, including the number of passengers, found by the Jaffna Committee, are fairly correct, estimates that 200 third-class passengers a day both ways would give Rs. 389,000 per annum But it will be noted that the Jaffna Committee give 200 passengers as the number who would do the one journey from Jaffna to Matale. Their express words are, "200 passengers to Matale per day, 180 miles at $2\frac{1}{2}$ cents per mile, Rs. 900 per day." And yet the General Manager, presuming that the 200 passengers were both from and to Jaffna, has made out the receipts to be only Rs. 389,000. He is clearly wrong, because the Jaffna Committee specially refer to the one journey of 180 miles per day. Here, therefore, is an omission which we have to supply, as regards passengers travelling from this part of the country to Jaffna. What would you estimate their number at? Much light would be thrown on this question by considering the amount of passenger traffic on other lines. My hon. friend, the Government Agent for the Central Province, has given to the Bentota-Galle extension 800 passengers a day, because that is the rate found to obtain between Panadure and Kalutara, and the average for all lines, consisting of 180 miles of railway, is 5,000 per day. Under these circum

stances, do you think 200 passengers to Jaffna would be too many? If so, we shall have to raise Rs. 389,000 to Rs. 778,000. Or shall we say only 100 passengers to Jaffna? In which case, we shall have an addition of Rs. 195,000 to the Rs. 389,000, so blindly passed by the Select Committee.

Let us now total up the additions we have to make to the receipts: Rs. 70,000 in respect of "local traffic"; Rs. 148,000 in respect of goods included in "through traffic"; and Rs. 195,000 in respect of through passengers, making a total of Rs. 413,000. Add this sum to the receipts estimated by the Traffic Manager Rs. 981,000. The total receipts would then be Rs. 1,394,000. The working expenses, estimated at Rs. 1,054,000 I have already shown, should be reduced by Rs. 175,000, as we shall be content with one train a day from Jaffna and one from Polgahawela. Thus the total working expenses would be Rs. 877,000. Deducting this amount from the total receipts, the balance is Rs. 517,000, which would be the nett profit.

Now as regards the construction of the railway, the Director of Public Works reports that, without rolling stock, a railway with all the necessary bridges, stations etc. may be constructed for Rs. 39,800 a mile. Adding Rs. 2,200 a mile for rolling stock and contingencies, the total cost per mile would be Rs. 42,000, at which rate the 200 miles could be made for Rs. 8,400,000. This being the capital, and the nett profit thereon being Rs. 517,000, the rate of interest is equal to something over six per cent.

Sir, like all my hon. friends, I was very sceptical of the paying capacities of this railway. I was no advocate of it, my desire being to inquire and arrive at a just opinion. Till I had signed the report I did not realize the truth that I had been led away more by authority than by argument. Several reasons, as I have explained, conspired to lead us into this sceptical frame of mind. When, therefore, the General Manager reported adversely on the statistics laid before him, it effectually paralysed me, as indeed I believe my hon. colleagues. In this condition, without allowing ourselves time

to regain our independence of judgment, we agreed to the report, slavishly endorsing the Railway Manager's opinion.

Since that fatal day, I have been questioning myself, "Did you use your own critical judgment, or did you slavishly adopt the judgments of others?" And as often have I confessed, "I have erred," and I recall my judgment, as many a judge is obliged to recall his solemn judgment, on the ground that it emanated *improvide* or *per incuriam*.

I know not for certain whether you are going to refuse my motion. If you do, my motion has enabled me to raise a discussion on the subject, to recall my opinion, and to state to the public the true position of the Jaffna Railway question. We ought not to be guided by this Report of the Select Committee for a minute. We ought not to fall into the same mental delusion, which the length of the line and the "wilderness of the North-Central and Northern Provinces" have caused in the minds of all officials from the Governor downwards.

I now most earnestly believe in the paying capacities of the Jaffna Railway, and my advice to the people of the North is that they ought not to abandon the position first assumed by them; that it is the duty of the Government to construct this line, just as they had taken upon themselves the construction of the other lines in other parts of the country; that they ought not to waste their time and energies in treating with a private contractor, because there are serious administrative difficulties in the way of a private contractor working the line; and that they ought to press on the attention of the Government, again and again, this subject until they are forced to enter upon the work of construction.

If you, Sir, have followed me in my address, I think I may justly claim that I have succeeded in dispelling the delusion once for all, that the Jaffna railway question is not one within the domain of practical politics. I trust that hon. members would from to-day think of the proposal as quite feasible, and that, whether Your Excellency will grant the memorialists their prayer for a survey or not, you will at

least from to-day consider the project as one deserving of the serious attention of the Government.

[The Colonial Secretary (SIR EDWARD NOEL WALKER) said that the Government declined to accept MR. RAMANATHAN'S motion for a survey of the line to Jaffna, because "in the face of the Committee's report, to spend public money on such a survey would be simply throwing it away."]

Mr. RAMANATHAN replied as follows:—

It is rather disappointing, Sir, after all that I have been able to say, that my hon. friend the Colonial Secretary should take his stand upon the very report which I have exposed. I did my best to impress upon hon. members that it is absurd for three men to set their signatures only to a document without giving any reason whatever for accepting the opinions expressed to them by the General Manager of the Railway. My case to-day is that the Select Committee did not bring to bear upon the questions referred to them by the Council all that independent consideration and criticism which they demanded.

Sir, there were various circumstances which led to this unfortunate predicament. My hon. friend (Hon. Mr. G. T. M. O'BRIEN) the Treasurer, who, I am very sorry is not in his chair to-day, having left the island, was the *third* Chairman who took his seat upon the Commission. The first Chairman was Mr. Allanson Bailey; the next was my hon. friend the Government Agent for the Central Province; and the third Chairman was my hon. friend the Treasurer. He too, was unwell, and had press of work, and when he was neither ill nor pressed with work, my hon, friend the Surveyor-General was not accessible, because he was out of Colombo on inspection duty. Then my hon. friend Mr. Bosanquet, who was the only other unofficial with me on the Committee, had left the island. What was I to do, Sir, under these circumstances? I say that there was no proper discussion of this question. Can my hon. friend the Surveyor-General state that he was present at any meeting of the Sub-committee?

The Hon. THE SURVEYOR-GENERAL (Colonel F. C. H. Clarke):—Yes, most certainly.

Hon. P. RAMANATHAN:—How many?

The Hon. THE SURVEYOR-GENERAL replied *sotto voce*, and was not audible at the reporters' table.

Hon. Mr. P. RAMANATHAN (continuing)—

Was there any examination and sifting of the details? Was there any proper criticism of the figures? Sir, there was a sort of despair hanging over us from the beginning of the question, and the conclusion of the General Manager paralysed me, and, I am afraid, my hon. colleagues also. Alas! we too hastily agreed to report in terms of the General Manager's verdict. If the report had not been agreed to and presented at the time it was presented to the Council, it would never have been presented at all.

Under these circumstances, I am very sorry that my hon. friend the Colonial Secretary should take his stand upon that report. I condemn the report and I condemn myself. I shall never cease to regret it. I am open to be abused by all the people of Jaffna—by all Ceylon. I feel that on this question I have not fulfilled the trust reposed in me. (H. E. the GOVERNOR:—No, no.) That is my feeling, Sir. So I take the earliest opportunity to come before the Council and candidly state what the circumstances are under which the report was presented, and how differently the subject has manifested itself to me ever since I gave my independent judgment to it. And yet my hon. friend the Colonial Secretary takes his stand upon that very report, and says, "Owing to that report we cannot give you a survey." That is very hard, Sir. My position is unbearable.

It is the duty of the Government to sympathize with me in the circumstances which I have truly described, and to do somewhat to alleviate my sorrow. Sir, I feel very strongly now on the practicality and paying capacity of this question. It was only after I had signed the report that I began to shake off the incubus of prejudice, and tackle the subject with a free and critical judgment. It then presented itself to me in quite another light. It dawned on me that this was a

profitable undertaking, and I am now firmly convinced of it. This conviction ought to have come to me much earlier, but, Sir, if in a subject so special, I do not receive that active assistance from men who are expected to know more than I do, what am I to do? Still I do not blame my hon. colleagues. I blame myself. I wish to say that I am the principal offender. Which man is free from mistakes? Under these circumstances I cannot rest satisfied with the answer which my hon. friend the Colonial Secretary has given.

But, Sir, I think I am right in stating that, even if the committee had proved that the Jaffna railway would pay, the Government would not have been inclined this year to undertake the survey, but would have to postpone it for another year. In view of what the Government have done and are doing in other quarters towards railway extension, I take some consolation for the present refusal from that circumstance. I have tried my best to dispel from the minds of hon. members the delusion from which I myself was suffering that the Jaffna railway will not pay. My firm belief now is that it will pay.

I hope the people in the north will not remain satisfied with simply asking for a survey, for the purpose of inducing a private company to take the line up, but that they will believe as firmly as I do that the railway will pay, and that it is the duty of the Government to interest itself in it, and give the contract out itself. Let them collect a few more facts and figures, engaging men, at the *termini* of the railway and at the different sections to check anew the traffic. Let them come back to Council with another memorial, and if I continue in this chair next year, I shall do my duty and obtain for them another Select Committee to report with unbiassed judgment on the statistics furnished. The discussion we have had has considerably added to our experience and advanced the question. I shall never cease to agitate until the railway to Jaffna is an accomplished fact.

ON THE REDUCTION OF THE ANNUAL CONTRIBUTION TO THE IMPERIAL EXCHEQUER, FOR MILITARY PURPOSES.

(20TH NOVEMBER, 1889.)

Owing to the drain which yearly contributions to the Imperial Exchequer for military purposes were causing to the meagre revenue of the Island, many urgent works required for advancing the prosperity and happiness of the people had been neglected for many years. MR. RAMANATHAN moved in Council on 20th of November, 1889, that a humble Address be presented to Her Majesty, Queen Victoria, praying for a reduction of the Island's contribution to a sum not exceeding what would be sufficient for a force necessary to maintain the internal peace of the island.

H. E. THE GOVERNOR replied that, instead of an Address to the Queen it would be better at present that he should write a Despatch to the Secretary of State on the subject. MR. RAMANATHAN withdrew his motion. On being informed by the Governor in due course that the authorities of the War Office and the Treasury did not accept the recommendations of the Secretary of State, but, on the other hand, proposed to exact a larger contribution, MR. RAMANATHAN renewed his motion for the appointment of a Select Committee to prepare an Address to the Queen.

MR. RAMANATHAN said:—

The subject of my motion, Sir, has been always been of painful interest to this Council and to the public at large. It may be remembered that, soon after the question was raised at the Colonial Office during the time of Mr. Secretary Cardwell, all the Unofficial Members of Council resigned their seats in a body in November, 1864, rather than sanction a vote which they characterised as unjust and most inexpedient, but which, nevertheless, the Government were ordered to carry through the Legislative Council.

This military contribution then stood, I believe, at £126,000. It rose, sometime afterwards, to Rs. 1,600,000; and after the disbandment of the Native Infantry it fell to 1,240,000 rupees. At the time the Retrenchment Committee was appointed—that was in 1882—Rs. 1,240,000 was the amount paid by the Colony to the Imperial Exchequer. The time had then come for raising anew the cry for justice. We were in distressed circumstances, and we asked for a reduction of the military

contribution on the score of both justice and poverty. After proving that the financial condition of the island was in a very bad way indeed, the Retrenchment Committee contended that it was unjust and unfair that this colony should be called upon to pay for a British soldier at the rate of £100 per man per year, while the other Colonies of Her Majesty were required to pay from £50 downwards per head. The reduction which the Retrenchment Committee aimed at was about Rs. 600,000. In view of Sir James Longden's opinion that the force could not be safely reduced, the Retrenchment Committee contented themselves with the argument that the claim appeared to them to be an inconsistent and unequitable rate of maintenance. Subsequent events, Sir, have proved that, if we had rested our case on this argument only, we should certainly not have succeeded as we latterly did, because the War Committee appointed by the Treasury have proved, at least to the satisfaction of the Lords of the Treasury, that the 1,200 British soldiers and officers stationed in the island cost actually no less a sum than £129,000. This is at the rate of £107 per head.

But, luckily for us, Sir James Longden's tenure of office ended and Your Excellency was called upon to assume the reins of Government. A merciful Providence enabled you to see much more clearly than we did at the time the way by which we could gain our point. That point Sir, had not been emphasised by anybody in the Island. In your Despatch, written from Ascot on the 25th of August, 1883, you pointed out to Lord Derby in forcible terms that 1,200 soldiers were far too many for the purposes of Ceylon, and that the force ought to be reduced to the strength of a European Regiment. This, I may say, was the turning point of the case, and all Ceylon owes you a deep debt of thanks for the far-seeing and statesmanlike view you took of this very complicated question. And again, upon your arrival in Ceylon your Executive Council passed two resolutions, which were directly opposed to the views entertained by Sir James Longden, as follows:

"That, in the opinion of this Council, a European force of from 400 to 500 men, in addition to such a force of Artillery as may be stationed here for Imperial purposes, is in time of peace sufficient to ensure tranquillity and good order throughout the island.

The Major-General, in assenting to this Resolution, as far as concerns purely Colonial interests, desires it to be recorded that he deprecates the reduction of the present establishment on military grounds, the discipline and efficiency of a regiment being necessarily seriously impaired by any lengthened separation of the different companies forming the battalion."

And Your Excellency's Executive Council also passed as a second resolution:-

"That having regard to the present circumstances of the Colony, the amount to be contributed by it to defray military expenditure should not exceed Rs. 500,000 yearly."

A resolution to the same effect, Sir, was passed by the Legislative Council also, and they were all embodied in the humble address to Her Majesty. In Lord Derby we found a very powerful exponent of our views. He made it clear to the War Office that the present state of the question consisted in an appeal to Her Majesty, not on the ground of inability to pay, but rather on the ground of justice.

After much correspondence, the War Office offered the following terms to the Secretary of State for acceptance:—

That the garrison of Ceylon be maintained at its present established strength of about 1,200 officers and men.

That of this force one-third or about 400 men be considered as kept in the Island for purely Colonial purposes, and the remainder for Imperial Service.

That the colony be required to pay a yearly contribution of Rs. 600,000 in payment of the whole cost of the 400 men kept for Colonial Service, and in consideration of the further advantages which the Colony will derive from the retention of the force for Imperial Service and from the transfer to the army votes of the cost of providing barracks and store building, which previously fell upon the Colony, that the above contribution be paid by equal instalments for five years commencing from 1st January 1885, and that in the year 1889, a fresh arrangement be entered into for the subsequent period.

The fact was, Sir, that a Committee of gentlemen had been appointed by the War Office, and they reported that no more than 480 men were required for the service of the colony for the purpose of internal defence, and that their cost would come to about £43,000 equal to about Rs. 516,000 at the rate of 1/8 per rupee per head. Lord Derby, therefore, insisted that only Rs. 516,000 should be recovered from the Island. The Lords of the Treasury replied, that they were willing to agree to the

proposal of Lord Derby, provided the Island would consent to a naval contribution. The Lords Commissioners said:

My Lords, desirous of falling in with this latter view, now agree that in accordance with it the Military Contribution of Ceylon shall be Rs. 516,000 per annum for the five years from 1st January next payable by equal monthly instalments in advance in the Colony. All they ask in return, or asked in their letter of 6th instant, is that the Secretary of State should concur in the demand of a reasonable Naval Contribution from Ceylon, so soon as the finances of the Colony have recovered from their present embarassment, or, in other words, so soon as the Colony can afford it, and should consent to deal with other Crown Colonies on a like principle.

And the Lords of the Treasury added:

Of course, if the Colony does not intend to fortify Colombo, it will depend all the more on the protection of the Navy, and can spare all the more towards a naval contribution."

Now, Sir, Lord Derby's reply reduced this naval demand to an absurdity. Lord Derby said:

"In this letter it is suggested that the amount to be paid by Ceylon during the five years dating from the 1st of January next shall be Rs. 516,000 payable by equal monthly instalments, provided that the Secretary of State will concur in the demand of some reasonable contribution from the Colony towards the cost of Her Majesty's ships on the Eastern Station, as soon as its finances have recovered from their present embarassment. The finances are, it seems, to be considered as recovered, when the revenue reaches the sum of Rs. 1,200,000 per annum, and a reasonable Nava Contribution is set down at a sum not exceeding Rs. 360,000 per annum, in addition to the charges of a new loan for fortification. In other words, the Lords of the Treasury wished the Secretary of State to pledge himself that, when the revenue of the Colony reaches a sum less by nearly £400,000 than the revenue received seven years ago, the Colony shall pay, not Rs. 600,000 per annum as proposed in their Lordships' letter of the 30th of September, but a sum of Rs. 876,000 per annum in addition to the charges of a new loan for fortifications, a phrase which is not easy to understand, seeing that it is not proposed at present to erect any fortifications in Ceylon except at the purely Imperial Station at Trincomalie. It must be evident to their Lordships on reconsideration, that no pledge of this kind can be given; indeed it is difficult to understand how the data on which the proposal has been made have been arrived at, and how, before the Lords of the Admiralty have given a full report on the subject of Naval Contributions, or the obligations of the various parts of the Empire in this respect have been to some extent compared and measured, the share which Ceylon ought today has been so definitely fixed at a sum not exceeding Rs. 600,000?

Lord Derby then informed the Treasury that he would submit to the Colonial Government the alternative proposals: that is, either to pay Rs. 600,000 without any ulterior arrangement being arrived at, or pay Rs. 516,000 with the contingency of a demand being made by the War Office as Naval Contribution, when the colonial revenue was in a better financial condition. The Treasury, Sir, then replied that, whichever alternative was accepted, the Colonial Govern-

ment would be taken to have admitted its liability to contribute for naval purposes, and they declared that, in case the first alternative of Rs. 600,000 was accepted, Rs. 516,000 would be paid over to the Military authorities, and the balance Rs. 84,000 would be transferred to the Board of Admiralty in aid of naval votes. Your Excellency at once repudiated the supposed admission in these words:

"There is naturally a general preference on the part of the Executive Council for the payment of Rs. 516,000 to one of Rs. 600,000, but there is a general indisposition to accept any vague and indefinite responsibility for the future. Considerable alarm, however, was felt and expressed lest, bearing in mind the terms of the Treasury letter of the 27th of November, it should be found that, whichever course was adopted by this Government, it would be equally held to have 'admitted' its liability to be called on to pay large and indefinite sums for Naval and Imperial purposes. I do not myself share this apprehension because Your Lordship very plainly states that it is only the alternative proposed in Your Lordship's despatch No 351 that it is at present necessary for us to consider, viz., whether we will accept a reduction coupled with the condition that, in the event of the financial outlook of the Colony becoming more satisfactory, some further amount will be paid as a contribution to the cost of the Imperial Government, or will pay Rs. 600,000 without any pledge or condition as to other contributions. If this interpretation be correct, the majority of Council are agreed with me in thinking it safer to adhere to the payment of Rs. 600,000 free from conditions, than to involve ourselves in indefinite and perhaps very onerous obligations for the sake of a small immediate advantage."

Lord Derby, in communicating the decision of this Government to the Lords of the Treasury, said:—

"Their Lordships will, of course, place what construction they please upon the payment of Rs. 600,000, but they will bear in mind that the Secretary of State and the Colonial Government do not hold themselves bound by the terms of the letter in question, or by the manner in which their Lordships may think fit to dispose of the contribution. The payment of Rs. 600,000 as contrasted with the smaller payment of Rs. 516,000 is a payment, it must be repeated, which involves no conditions and recognises no ulterior claims;

[H. E. the GOVERNOR: Hear, hear] and when this subject is re-opened at the expiration of five years, it will be understood that the Colonial view of the question is entirely unprejudiced.

[H. E. the GOVERNOR: Hear, hear.] In the meantime the annual sum of Rs. 600 000 will be paid during the five years 1885—1889, and the correspondence on the subject will, as far as this department is concerned, be considered for the present to be closed."

But Sir, the Lords of the Treasury were determined to have the last word, and they addressed the following letter through Mr. Hibbert to the Colonial Office:—

"The Lords Commissioners of Her Majesty's Treasury direct me to acknowledge the receipt of Mr. Meade's letter of the 27th ultimo intimating by desire of the Earl of Derby that the Government of Ceylon will

pay a Military Contribution of Rs. 600.000 per annum for the five years from the 1st of January 1885, in equal monthly instalments in advance in rupees in the Colony, and that this contribution includes Rs. 84,000 per annum by way of compensation for any further payments on account of Naval Contribution during such five years that might otherwise be asked for in the event of a return of financial prosperity. My Lords accept this arrangement.'

Now, Sir, the history of the question since 1884 is the justification for my motion of this day. An unvarnished statement of the fact is the best proof of the justice of my motion. It is admitted that only 400 men are required for our purposes and that their cost comes to Rs. 516,000.

The Hon. the Major-General:—That was when the rupee was at 1s. 8d., was it not?

The Hon. MR. P. RAMANATHAN:—Undoubtedly. I suppose that would make a slight difference, but I am sure we are willing to pay it. They must accept the equivalent of £43,000, and not a penny more.

Now against internal difficulties we have armed ourselves in a much better way than we ever were before—by the Volunteers, I mean. We are spending a large sum of money on the maintenance of a Volunteer force, and I believe it is the intention of this Council, if we get the necessary funds, to increase largely the Police Force also. Can the Lords of the Treasury claim now a contribution for naval purposes, because the principal reason assigned for the Naval contribution was that Colombo was then without fortifications, and had, therefore, to depend for protection upon Her Majesty's ships on the East Indian Station. But now Colombo has been fortified, we have paid largely for the fortification of Colombo, and there is already a proposal before the Council that it should be still further fortified by putting up a fortress at the head of the breakwater. I have no doubt we shall consider that proposal in a fair spirit, provided the War Office will not break its engagements with us.

In this connection I will state that it has come to my ears that as much as Rs. 100,000 out of the £24,000 we voted for the fortification of Colombo have not been spent by the Military authorities. If that be so, I am sure hon. Members of

the Council would like to know the reason why. I for one sat on the Committee, and I believe that, as far as the Committee were concerned, our understanding was that £24,000 was necessary for fortifications at Kollupitiya and Mutwal. There might have been some minor works, but they were so unimportant that they were never before us. Now that we hear that as much as Rs. 100,000 has been saved by the Military authorities out of the £24,000, it is patent that we have been liberal and that our desire is to do what the British Government desires, not merely for local purposes, but also for Imperial purposes. However, Sir, the Lords of the Treasury cannot now claim any contributions for Naval purposes.

When the justice of our case is so complete, I don't think it is necessary on my part to make good the contention that all the resources of Ceylon are necessary for purely local purposes in order that we may not stand still, but rather move onwards, although it be but slowly. But in view of some remarks I have seen made in some of these despatches, I think the Military authorities in England would be inclined to give way to our representation, not so much on the ground of justice and fairness, but rather on the score of want of means. I am in a position to state that we cannot spare more than the Rs. 516,000 we have promised to pay.

Our requirements are manifold. We have, Sir, to find improved means of communication, and save the masses from the effects of drought and disease, and supply them with wholesome food and water; we have to provide them with better protection in regard to their persons and property. Under the first head, I would name the necessity of making new roads in divers parts of the country. We want main roads as much as roads from villages to the main roads. The Administration Reports of the several heads of departments are full, Sir, of our wants, and anybody who has given his attention to these Administration Reports will see perfectly well that the plea we are putting forward of our inability to pay more than the 515,000 rupees is really an honest and

bona fide plea. This is what the Director of Public Works says: "I believe roads confer more food on the people than anything else and that there is no greater boon to a country. And I think that the improvement and bridging of the main coast road in the Maritime Provinces of the Island, where no improvement has yet been done, deserves the favourable consideration of Government. Wherever this road has been converted from heavy sand into a well-formed gravelled roadway, even though the main rivers are still unbridged, cultivation of native products has extended, and the population has spread itself along the coast line. This is specially noticeable in the Eastern Province, both north and south of Puliyantivu.

Now, Sir, that is the opinion of the Director of Public Works Now, let me trouble the Council for one minute as to the inland roads. Mr. Wace writes from Sabaragamuwa: "As regards improvement of the means of communication, there is truly an enormous amount of work to be done in Sabaragamuwa."

Then comes the cry from the Northern Province. The district is starved and shackled for want of good cart roads to Vavuniya-Vilankulam and Mankulam. Mr. Twynam gives a series of roads, Sir, the improvement of which the Government ought to take up without delay. For the improvement of the Central road from Anuradhapura northwards as much as Rs. 80,000 is required, and so on, a series of roads. I am not going to take hon. Members through the whole list, and I don't want to prove more than I have done that Ceylon is actually suffering from a want of good roads.

I shall pass on, Sir, to another necessity that seems to be admitted very generally, and that is, that we should make navigable some of our rivers—the Kelaniganga the Kaluganga, the Kudaganga, &c., and everybody who has travelled along the canals from Calpentyn to Negombo will see that it requires a great deal of repairs to be done. In fact transport of produce is now an exceedingly difficult thing,

and I don't think the resources of the Government Agents of the Western Province and North-Western Province are equal to undertaking those repairs without much aid being given them from general revenue.

Then, Sir, I would mention, under the same head of means of communication, that we want Railway Extension. I don't speak of large railway extensions like the railway to Jaffna, but I speak of smaller works such as a railway to Galle and Matara to Hambantota, a light railway to Negombo, and a light railway from Veyangoda to Ratnapura *via* Ruanwella; and then we want telegraphic extension to Kegalla to Hambantota, and from Ratnapura *via* Rakwana to Galle, Then I may also mention the absolute necessity for a new Post Office and a Central Railway Station at Colombo.

But, Sir, let me pass on to the next head, that is to say, that we ought to give the masses better supplies of food and look after them more directly than we now do in regard to sanitation &c. Of course, Sir, I put first and foremost irrigation works and then hospitals and dispensaries, and water supplies for the towns of Negombo, Hambantota, Mannar and Tangalla.

Then, Sir, with regard to the protection of persons and property, I would refer to the increase of the Police force, and the payment of our native headmen. There are also other administrative measures requiring money. That is to say, with regard to the registration of titles, with which we are going on in a wonderfully slow way, appointing only one Commissioner to do the work, which will probably at this rate take a hundred years. At the same time it is admitted that no better work can be undertaken by Government for the suppression of litigation than that of making titles more certain and good. It is for want of money we are unable to pay three or four Registrars and set them on this work. Then, Sir, with reference to the safety of deeds and other documents, Your Excellency knows perfectly well that the Registrar-General has complained to you on the subject, and Your Excellency has admitted the necessity of a new office or the Registrar-General. We are unable to undertake it

because we have no money. I would also speak, Sir, in this connection about the state of our Royal College. That requires building anew from top to bottom. Then, Sir, we want a cadastral survey, and we want a geological survey. and we want to give relief to our grain-taxpayers.

But, really, I need not multiply instances, for a man who has kept his eyes and ears open would be exceedingly sorry if the War Office should insist upon wringing from us more than we can pay. I fully expected, Sir, to see the War Office authorities actuated by justice and generosity, but in this case, Sir, it grieves me to think that they have forgotten their traditional instincts. We of course can only appeal for justice to the British Government, and I must say that, if the War Office insists on forcing this money from us, it will be undoing to a vast extent the benefits which the Government has conferred only recently in enlarging the constitution of this Council. What is the good of enlarging the constitution of this Council, while with the other hand they exert their giant force upon us and make us do what we complain of as being a most unjust and inexpedient thing? We are not trying to avoid our just obligations. The Council, will no doubt, give its assurance that in time of war, or in the event threatened invasion, it will loyally and freely contribute towards the defence of the Colony, and the maintenance of the integrity of the Empire.

I have, therefore much pleasure in pressing upon hon. members the following motion: that this Council do present to Her Majesty the Queen a humble Address praying that the annual contribution to the Imperial Exchequer for Military purposes be reduced to an amount not exceeding what would be sufficient for a force necessary to maintain the internal peace of the Island.

[Accordingly, a Select Committee was unanimously appointed. It drafted a Memorial, which was adopted by the Council at its subsequent sitting.]

MOTION FOR A FRESH ENQUIRY INTO THE PAYING CAPACITIES OF THE PROPOSED RAILWAY TO JAFFNA.

(11TH DECEMBER, 1889.)

After the refusal of the Government on the 30th of March, 1889, to sanction a survey of the proposed Railway line to Jaffna, the general public took up the question and, at a public meeting held in Colombo on the 5th August, 1889, expressed its emphatic opinion that the conclusions arrived at by the Select Committee of the Legislative Council in its report, which was tabled on the 7th of March, 1889, and discussed in Council on the 30th of the same month, were not correct. A strong Committee was appointed to memorialize the Government for an immediate survey. The Government did not give heed to this memorial, which was dated the 25th of September, 1889.

MR. RAMANATHAN then moved the Legislative Council, on the 11th December, 1889, for the appointment of a fresh Select Committee to enquire into and report on the statements contained in the public memorial of that Committee as to the paying capacities of the Railway, and for an immediate survey of the route from Polgahawella to Jaffna.

MR. RAMANATHAN said:—

Sir, the circumstances under which I am obliged to move for the appointment of a Select Committee to consider and report upon the memorial to Your Excellency dated 25th September, 1889, which was tabled the other day as Sessional Paper No. XXXII of 1889, are, I think, known to some extent to hon. members and to the public at large; and yet it may be advisable to state on the present occasion what those circumstances are.

On the 13th of October, 1886, I presented a petition signed by a body of influential gentlemen resident in Jaffna, in which they prayed that a commission be appointed to report on the question of constructing a railway to the northern part of the island, and that a preliminary survey be made of the proposed line. On the 3rd November, 1886, I moved in Council that the Government should be requested to direct the Surveyor-General to report upon the cost of making the survey prayed for. It took some time for the Government to determine the approximate cost of a survey, but at length it was found that the amount required would be about Rs. 10,000. As the Government did not appoint the commission prayed for by the Jaffna Committee, I thought

it right to move in Council for the appointment of a Select Committee to consider and report upon the question. I asked that the Select Committee should take evidence and report upon the goods and passenger traffic which a line of railway running either from Matale to Jaffna, or from Polgahawela to Jaffna, via Kurunegala and Dambula, might command. The Government readily accepted that motion, and then a Select Committee, consisting of the Treasurer, the Surveyor-General, Mr. Bosanquet and myself, were appointed for the purpose. The officiating Treasurer at that time was, not my hon. friend opposite me (Mr. O'Brien), but Mr. Allanson Bailey.

Fourteen months afterwards, in January this year, the Committee reported that, of the proposed routes, the route via Polgahawella, Kurunegala and Dambulla would most probably secure the greatest amount of traffic and best serve the interests of the island, and that the probable total receipts from this route would amount to Rs. 981,300, and the working expenses to Rs. 1,052,000, leaving a loss of Rs. 72,700; and they reported that, as the deficit was exclusive of interest and sinking fund, they had not considered the cost of making the line, more especially as that question would depend upon a proper survey, which was not then before the Committee.

On the 20th of March last (1889) I presented a memorial from the Jaffna Railway Committee, praying that a survey be undertaken by the Government in order to enable a private Company to have some reliable data for the making of the proposed railway. On the same day, having given due notice, I moved in Council that the Governor be requested to order a provisional survey of the line in question. On that occasion, Sir, I took great pains to point out that the report made by the Select Committee, including myself, could by no means be accepted as one that had been well considered. I may say that it was never adopted by the Council. The Colonial Secretary simply laid it upon the table on the 7th of March, and there it lay till I challenged the correctness of the conclusions arrived at by the Committee,

My hon. friend the Colonial Secretary, in reply to my motion, said, "the hon. member has touched on many points, in which I feel unable to follow him. They seem to me points which could better be dealt with by the Select Committee." My hon. friend who represents the European commercial interests (Mr. W. Mitchell) thereupon moved that another Select Committee be appointed to consider the question, in order that we might not have on record inaccurate conclusions. Your Excellency then said, referring to me, "Let him show us more in detail that his conclusions are correct; and, if he shows us this, we would be prepared to take some such steps as he proposes." Upon that undertaking we allowed the matter to drop.

It was apparent to me that the Government were not willing to accept a Select Committee upon the strength of any statement that I individually might make to hon. members at this board, and therefore I felt it incumbent on me to appeal to gentlemen of accepted business habits outside the Council to revise the statistics and ascertain for themselves whether the conclusions I arrived at upon mature consideration were proper or not. I waited upon some of those gentlemen, whom all communities in the island respect for their balanced judgment and safe business habits, and the result was that one and all of them accepted my conclusions and rejected those that were arrived at by the Select Committee. Then I proposed to them the desirability of expressing their opinion at a public meeting. They readily consented to such a course and a most influential meeting was held in Colombo Your Excellency knows the resolutions therein passed, as they were all embodied in the memorial which Your Excellency has already tabled in Council. Now, Sir, the memorial does not deal in generalities. It tells you precisely what were the omissions of the Select Committee as to receipts, and in what respects they miscalculated the expenditure.

You will observe, Sir, that one important item which alters the aspect of the question consists in the Select Committee passing only one-third of the estimates found by the Jaffna

Committee. The whole traffic was estimated by the Jaffna Committee to be 26,238 tons, but the Government Agent's bare opinion was that not more than one-third of the traffic would be available for the railway, so that at once from 26,238 tons, the through traffic was reduced to 8,746 tons. The public would like to know, not the *ipse dixit* of Mr. Twynam, but what reasons, if any, he had for holding that opinion. The Government Agent failed to give his reasons; and the General Manager of the C. G. Railway, who was called upon to report upon the statistics collected, said that the returns were meagre and conflicting, and that his report could only state the "results" of the traffic estimated by the Government Agents of the Northern Province, North-Central Province and the North-Western Province, and of the fares and rates at present in force on the main line. It was not his duty to criticise the estimates or to express his own views or reasons. Given certain figures as to goods and passengers estimated by the Government Agents, he assigned to them the fares and rates prevailing on the main line, and thus worked out the income in rupees; and, assuming that two trains would run every day each way, he arrived at the "working expenses." Deducting the income from the working expenses, he stated that there would be a loss of about Rs. 70,000.

The members of the Select Committee failed altogether to analyze the estimates of income and expenditure, and to consider the deficiencies and excesses of the opinions and figures offered, but blindly accepted the "results" summed up by the General Manager.

[Mr. Ramanathan dwelt at length on the errors and omissions of the Government Agent as to the local traffic in the different sections. and as to the through traffic and the working expenses, and continued as follows:]

The point I am making is this, that we cannot be satisfied with the work done by the Select Committee That is the only issue before the Council to-day.

H. E. THE GOVERNOR:—I beg your pardon; what was that you said?

MR. RAMANATHAN:—I say the only issue before the Council to-day is whether, in justice and common fairness,

Your Excellency would allow the question to stand just as it is, or whether Your Excellency would not give another opportunity for a careful sifting of all the facts which I have referred you to.

Now, Your Excellency and my hon. friends ought to know how it was that this Select Committee came to make such egregious blunders. Mr. Allanson Bailey was its first Chairman. I remember that he, the Surveyor-General and myself met once, and once only, to consider and arrange the preliminaries. We thought certain questions should be drafted and forwarded to the Government Agent, Assistant Agents and the Director of Public Works. The questions were framed and forwarded, but Mr. Allanson Bailey had to retire from the chair. Then my hon. friend who is at present the Government Agent of the Central Province became the Chairman, but he too had little to do with the question. In his letter to me, dated August 12th, he said: "The reports of the Government Agents and of the Director of Public Work, would have to be fully considered by all the members of the Select Committee before we could agree to the Report." But before we came to consider the reports, my hon. friend retired from the chair, and we found some difficulty in persuading my hon. friend the present Treasurer (Mr. G. T. M. O'Brien) to assume the chairmanship. He was ill, and I fancy he had other reasons for saying that he did not care to be the chairman; but however, we overcame his scruples, and he took the chair. Under his presidency, Sir, there was not one meeting of the three surviving members. Mr. Bosanquet had gone to England. I used to run about with a bundle of papers, and wait upon my hon. friend the Treasurer as to what his convenience might be; then, having got his views, I would go to my hon. friend the Surveyor-General's office and ask him whether a particular day would suit him, and he would say, "I am going out, that day will not suit me, and I don't know when I shall return. I shall write to the Treasurer. Let us let the matter slide for a few days," and so on. I tried my best to bring my hon. friends the Treasurer and the

Surveyor-General together upon this question; but I never once succeeded. I don't blame them a bit. Well, Sir, at last the Treasurer and I agreed to accept the "results" prepared by the General Manager. In fairness to my hon. friend the Surveyor-General, I must say that he did not see our report. I think he did not even put his signature to that paper, but all the same, his name appeared in print as a member who had assented to that report. I have candidly told Your Excellency my reasons for recalling my judgment upon the matter. Many were the errors and omissions of the Government Agents as to the local traffic in the different sections of the proposed railway, and as to the through traffic, and the computations of the General Manager, as to the working expenses of the line, were also erroneous. Now it must be clear to you that as between the public and the Council the opinion of my hon. friend the Treasurer is the only opinion which adheres to the report, and he alone now stands saying that the Jaffna Railway would not pay.

I ask, Sir, if you, as the Governor of the Island, would tolerate for a minute a situation of this kind. I have, Sir, the highest respect for my hon. friend's ability. I believe he is an ornament to the Civil Service, I believe him to be one of the most clear-headed officials of the Government, but, Sir, I should not like to be in his position now. He is undertaking too great a responsibility by obstructing a fair and full enquiry. The appointment of a new Committee comes handicapped in this way. The Council, if it desires to appoint a new Committee, would perhaps have to apologise to my hon. friend, the Treasurer,—

THE TREASURER: No, no.

MR. RAMANATHAN: Well, then, to my hon. friend the Surveyor-General. I myself do not want an apology, I deserve something very different from it. My hon. friend the Treasurer declares he does not want an apology, and I am sure my hon. friend the Surveyor-General does not want an apology. Thus, Sir, the course is clear, and the Council is free to appoint a new Committee. The blunders we have

committed are so patent that it is not right to leave a question of such magnitude to be suspended in mid-air. It is therefore, Sir, that in obedience to the wishes of the general public I have thought it my duty to try and persuade Your Excellency to order a re-investigation of the question.

I may say that every unofficial member on this side of the house goes with me, and if, Sir, their representations and the representations of the public have any dynamic value whatever, they ought to have the effect of compelling you to yield to our demand. I believe in the efficacy of united representation. I hope, Sir, you will assent to my motion.

[The motion having been seconded and supported by the other unofficial members, the hon. the Treasurer (Mr. G. T. M. O'Brien) attempted in general terms to justify the estimates of income and expenditure calculated by the General Manager of the Ceylon Government Railway, and stated that the appointment of a second Select Committee would only raise false hopes which have no chance of ever being realised, and would unnecessarily waste the time of the Public Officers that might be selected to sit on the Committee.]

MR. RAMANATHAN replied as follows:—

Sir, all along I felt that the advice which my hon. friend the Treasurer (Mr. G. T. M. O'Brien) might give to Your Excellency would carry great weight with you, and therefore I went out of my way to request him to study the figures and facts in conjunction with me, so that he might arrive at a correct decision. He did not choose to avail himself of that offer, and to-day this principal adviser of your Government has made the humble confession that he has not been able to find time to study the Memorial which was presented to Your Excellency. I believe the Government looks upon my hon. friend as a species of "Woolwich Infant."

H. E. THE GOVERNOR: As what?

MR. RAMANATHAN: As a species of "Woolwich Infant," Sir. Well, all I can say is that the big gun has burst to-day. His past reputation made me to expect at least a specious reply to the arguments we urged from this end of the table. But what has he said to the Council? When he opened his mouth and began to speak, he, in homely English, "put his foot into it." For, he wanted the Government and the hon. members to believe that the Memorialists had actually included in

their estimates not only 26,000 tons of traffic from Jaffna to Colombo, but also 26,000 tons from Colombo to Jaffna. That was his first egregious blunder, affording proof positive that he had not studied the subject. The Memorialists have placed before Your Excellency two balance sheets—one balance sheet as propounded by the Select Committee, and the other balance sheet, head for head, as proposed by the Public Committee. It was open to him to study the details of these two balance sheets and act up to the responsibility of advising the Government. Had he devoted some part of what he believed to be his valuable time for the consideration of the question, which the public have set their heart upon, he could have easily grasped the fact set forth in the Memorial that the through traffic was only 13,000 tons either way. Sir, I cannot contain myself when I find that a public servant of his standing should pretend to advise the Government without carefully considering the plain facts of our case. A few minutes ago I conceded that he was one of our ablest civilians. All the greater shame to him that he has neglected to study this important question. The Government and the public who pay him expected that he would give his mind to the subject in all its bearings. But he has not done so: Necessarily he has made this egregious blunder.

H. E THE GOVERNOR: If my hon. friend will pardon me interrupting, I want to see how the blunder was made.

MR. RAMANATHAN: His blunder, Sir, is his believing and asserting that the Memorialists included in their Memorial 26,000 tons of traffic from Colombo to Jaffna, and an additional 26,000 tons from Jaffna to Colombo. What the Memorialists gave utterance to was the supposition that, if on the Jaffna side there were 26,000 tons to be carried from Jaffna to Colombo, there might be as much to be carried from Colombo to Jaffna.

THE HON. THE TREASURER: That is exactly what I said.

MR. RAMANATHAN: But the Memorialists do not credit the railway with that amount of traffic from Colombo to Jaffna.

That is the mistake which my hon. friend was making. He said the Memorialists had credited the railway with 26,000 tons each way and so ran up the figures. Besides the bare supposition, the Memorialists did not put down 26,000 tons to the credit of the railway from Colombo to Jaffna. Yet my hon. friend, who sets such a high value on his time, wasted the time of this Council in answering a creation of his own.

Then we said there were 4,000 tons omitted to be taken notice of by the Select Committee. My hon. friend at once said—"Yes, this appears to have been a strange omission, I ought to have taken notice of it." And then he went on to another part of the case which, however, was not pressed by me, and referred to whether four trains were necessary, or two trains. My hon. friend says that he consulted the Traffic Manager, and that the Traffic Manager now thinks that the tonnage put forward by the Memorialists could well be carried by three trains. Well, Sir I too had a consultation with the Traffic Manager. Here are in my hands the facts which I took down from his own lips. I think my hon. friend is making a mistake again. He must have had no time to understand the Traffic Manager. But I remember the details of this conference, and all the Traffic Manager said was, that the estimated traffic might be carried by two trains per day either way. And what do the Memorialists say in their Memorial? They say—"Granting the Traffic Manager's calculation that four trains are necessary, we calculate that the railway would bring in a profit of over 5 per cent."

Then my hon. friend wasted public time to-day by dealing with a point not raised in the discussion. Why should he tell us over and over again that his time is very valuable, and that the time of the public officers should not be wasted? Is it because he has such an overweening confidence in his own powers that he tramples under his foot the opinions of some of the most able and honest unofficials of the colony?

H. E. THE GOVERNOR: Order, order.

MR. RAMANATHAN:—Sir, I feel it very much. This is not

a personal question with me, and if I give utterance to my feelings, I cannot help it.

Then, Sir, he tells us in a patronising way,—"We don't want to raise hopes amongst these foolish Memorialists, who have been studying the question in a way which clearly shows that they do not understand it, and, therefore, the government should put a stopper on the enthusiasm of these little children." Is this the spirit in which public and independent men who have devoted their time and energies to this question—is this the spirit in which they are to be treated? We are little children forsooth, dabbling in politics! Why, Sir, the disclosure made to-day is that my hon. friend is a neophyte in the art of government.

He said that the Memorialists had gone too far afield from the argument. Let me cast back that reflection upon himself He has gone too far afield from our argument. He has not faced any one of the objections that I raised. I pointed out categorically so many omissions on the part of the Select Committee. Did my hon. friend meet any one of these objections? Where he met one, he had the honesty to say *peccavi*. Sir, my objections remain unanswered. What has he said as regards the point that only one-third of the 26,000 tons of the traffic from Jaffna to Colombo had been credited to the Railway? He wasted the time of the Council by reading long extracts, and when I asked him pointedly what was his reason for stating that more than one-third of the traffic could not be assigned, he said "Jaffna has nine ports." What have the nine ports of Jaffna to do with the traffic that could come down from Jaffna to Colombo in a single day, by the Central Road? That is precisely what the public cannot understand. I contend, Sir, that that part of the Memorialists' case remains unanswered. Then I pointed out that the through passengers from Matale to Jaffna had not been taken into account. Has my hon. friend met that? He has not, and I have a right to ask Your Excellency's sympathy on this point. Then I asked:—"Why has not even one passenger been allowed for the section between Anuradhapura

and Jaffna?" My hon. friend read a long paragraph about a country denuded by famine and disease. Is that an answer? Is there no population in the country between Jaffna and Anuradhapura? What explanation has the Chairman of the Committee given us as to why not one passenger has been brought to the credit of this section of the railway. He has given us no explanation. I contend that the Memorialists are right, and that my hon. friend is mistaken. Then I made a point of the 4,000 tons carried over the Padeniya-Balala road, and he has admitted the point. Next I spoke about savings from the immigration charges. Has he dealt with that? He has not. Then I spoke of the reduction of expenditure as regards the maintenance and working expenses of the railway. In reply he repeats to the Council what was already before us, viz. the opinion of the Railway Manager. The Railway Manager has in our judgment erred, and have I not told you that we have the figures of our expert, who would be able to maintain his own against the estimate of the Traffic Manager?

These and other facts my hon. friend has not met, but he has set up and stalked his own phantoms and demolished them to his satisfaction. And then he says, "Oh we don't want a Railway to Jaffna; what we want is that the people should be fed, and that they should be removed to better places." Well, Sir, in cases of dire distress, Government would create relief works and give the people wages, where wages cannot be earned elsewhere. In extreme distress there would be food actually supplied, but under ordinary circumstances does my hon. friend really mean that a part of the revenue should be set apart for the feeding of the poor people there? What is the other suggestion that he makes? It is that the people should be removed from the wilds of Anuradhapura to healthier localities. Accepting for the moment the wisdom of his proposal, how are these walking skeletons, to be moved on? Are they to be goaded on southwards and forced to walk perhaps fifty or a hundred miles; or is it better policy that they should be provided with a railway and be carried in comfort from those wild regions to more favoured spots?

My hon. friend's ideas may appear to him to be sound, but they cannot be accepted by the Memorialists, who have taken much time and much trouble to think out this question. The more and more I see of the ways of my hon. friend, the more and more is my heart stricken with sorrow. I can only say that the best men of this country emphatically repudiate his opinion that the Jaffna railway will not pay, and assert that it ought to be made.

[Before the motion was put to the vote the Hon. Mr. Mitchell asked H.E. the Governor whether the question may be left open for the Official Members to vote as they like. He replied that the matter was not one of very great importance on which he could stake the existence of a Government. The motion, on being put, was lost by an official majority of one against it. The unofficial members handed in a protest against the division.]

ON THE JAFFNA MARKETS ORDINANCE.

(19TH MARCH, 1890.)

The Hon. the Attorney-General moved the second reading of "An Ordinance relating to Markets in the Northern Province." The Hon. the Auditor-General seconded it.

MR. RAMANATHAN opposed the second reading as follows:—

Hon. members will note that this Ordinance relates to three classes of markets in the Northern Province, that is to say, public markets on crown lands, other public markets, and thirdly, other markets, meaning markets on private lands. It is proposed that the power of making bye-laws for these markets should be withdrawn from the Local Board of Health created by the Ord. No. 7 of 1876, and should be entrusted to the smaller Board of Health created by the Ordinance No. 8 of 1866, which provides that it may consist of two or more persons for the purpose of guarding against the spread of disease in the Island. I suppose in the case of the Northern Province, there will be, in the event of this Ordinance being passed, a Board of Health consisting of two or more persons, one of whom would be the Government Agent of the Northern Province.

Now, Sir, it is a matter of notoriety that the present Government Agent for the Northern Province has an unfortunate

tendency of not seeing eye to eye with, or working in harmony with, other persons appointed to co-operate with him on such Boards. I do not make this statement by way of accusation against him. I mention this feature of his mind as an existing fact. Various gentlemen moving in different circles have reported to me that, whether it be the Police Magistrate, or the District Judge, or the Medical officer in the Province, or the Engineer or any other person, the present Government Agent does not pull well together with such persons appointed as his colleagues. This is a remarkable fact which we have to bear in mind in connection with the proposed piece of legislation. Your Excellency may nominate two or more persons to that Board, but all the same, the Board will soon mean the present Government Agent and him only. The other members appointed to the Board would gradually become dummies or fall off, so that, though this Bill professes to give the power of making bye-laws to the Board of Health, the bye-laws will be really and truly the bye-laws of the present Government Agent of the Northern Province so long as he is there. It is possible that other men appointed as Government Agents to that Province might develop the same frame of mind, desiring to be the "Raja of the North," and therefore it is that I am unable to see the expediency of clauses 2 and 3 of this Bill.

I may say that our present Boards of Health and Improvement are, every one of them, creations under the Ordinance No. 7 of 1876.

HON. THE ATTORNEY-GENERAL: 1866.

MR. RAMANATHAN: No. I say 1876, by virtue of which the elective principle was introduced. I say the Local Boards of Health were created by the Ord. No. 7 of 1876, which introduced the elective principle. It is the people who elect the unofficial members of a Board, and the Governor nominates the official members. The two classes of members —who are generally over the number of five—work together in harmony to the best of their power, and under such circumstances I would say that the power of making bye-laws

may be safely entrusted to them. Laws affecting the general public can only be made by the Legislative Council and, in delegating these superior powers to another body, we ought to take care that the new body is safeguarded from temptations and abuses. I look with concern upon such powers drifting into the hands of one man.

Now, consider the laws, which the Government Agent might make in reference to Market Lands? Your Excellency has special advisers to explain to you all about the nature of crown lands and markets; but you have confessed to-day, and the Members of the Executive Council have also inferentially admitted to-day, that in local matters you are generally content to accept the opinions and advice of the Government Agent himself. He is your principle adviser, so that the necessary check which you might bring to bear upon the Government Agent under ordinary circumstances is no longer within your power. In these circumstances, Your Excellency and the Members of the Executive Council will not be able to say whether the bye-laws proposed by the Government Agent are just or not.

Putting aside the Crown lands, we come to private lands, and the bye-laws may refer to the imposition and recovery of fees for licenses to open and hold markets on such lands. they may refer to the regulation of the sale of meat, fish. vegetables and other articles exposed on such lands; they may refer to the prohibition of the sale of such articles on such lands, and to the temporary or permanent closing of any market held on such lands; and they can go further for one clause says that the Board of Health may even turn out a person from his own land under certain circumstances: His own land! He may be living on that land, and he may have no other means of livelihood; and therefore, he may be compelled to have a little boutique along the roadside or any other place, and yet the Government Agent and his associates, if he chooses to work with them, may order him to close that boutique, and if he does not, the Government Agent may enter it and turn him out

neck and crop. I ask if, in a remote province like the Northern Province, it is safe to give such powers to the Government Agent. I submit that the more distant a province is, the more chary the Government should be in conferring powers so extensive upon such officials. There are many other clauses, Sir, which I should like to dwell upon, but time is going apace, and, therefore, I will not trouble the Council much longer.

But see what is the charge for licenses to hold a boutique on a man's own land! The schedule says licenses to open or hold a market on land, not the property of the crown, should carry a fee for the first twelve months of Rs 200, and for every subsequent twelve months Rs. 50 The traders of Jaffna, especially that class of the population who hold boutiques, is supposed to be possessed of Rs. 200 by the first of January in the first year, and ever after with Rs. 50, in order that they may pay these sums to the Government for a license for the purpose of earning a livelihood in their own houses! What are we coming to, Sir? What are we coming to? Is the Government Agent of the Northern Province so potent in this country that he should be allowed to have his own way and to be treated exceptionally? I have heard of officials becoming powerful, but this official has become too powerful. I cannot assent to this extraordinary legislation for the Northern Province. So long as I have a voice, I shall protest against such dangerous legislation.

[The Government by their official majority carried the second reading of the Bill, promising that in Committee it would define the term "Market" so as to safeguard private rights.]

ON THE WORKING OF THE GRAIN TAX ORDINANCE No. 11 OF 1878.

[20TH MARCH, 1889.]

On 20th March, 1889 Mr. Ramanathan moved that a Select Committee be appointed to report whether any and, if so, what measures were necessary to be carried out in order to improve the working of the Ordinance No. 11 of 1878 providing for taxation in respect of paddy grain crops. Official opinion in Ceylon was against the repeal of the tax, as it was contended that the paddy lands in Ceylon had always been subject to a levy by the Crown of a portion of their produce; that in its origin this levy was a rent and not a tax; that it was heaviest under the rule of the native sovereigns; that it had been continually reduced during the occupation of the Island by the British; that as last settled by Ordinance No. 11 of 1878, it was lighter than at any previous time; that the abolition of this tax would not only necessitate a curtailment of the expenditure on new public works and the cessation of expenditure on irrigation, but also lead the holders of paddy lands to neglect the production of food; and that the substitution of a general land tax for the grain tax and the import duty on grain was impracticable.

Nevertheless, Mr. Ramanathan moved for the appointment of a Select Committee to inquire into the working of the Paddy Grain Tax Ordinance, hoping that the efforts which were being made in England by the Cobden Club (of which Mr. Ramanathan was an Honorary Member) to enlist the sympathy of the British Parliament for the purpose of repealing all food taxes, would bear fruit in due time.

MR. RAMANATHAN spoke as follows:—

The Ordinance was passed in 1878, avowedly with the object of relieving the people from the great hardships from which they were suffering by the working of the renting system which then prevailed in the island. This Ordinance, No. 11 of 1878, has now been in operation in several Provinces for a period of seven years and under. I believe the Ordinance is not in operation in the Northern Province, or the North-Western Province, or the North Central Province, and is only partly in operation in Uva Province. I think, Sir, the time has arrived for the Council to examine the working of this Ordinance from a financial and administrative point of view, so as to find out how the requirements of the revenue and of the people have been answered by it. The Council has heard of complaints against the working of the Ordinance ever since 1881, from which time yearly clearer views have

been formed as regards the benefits and the evils of the Ordinance. My friend, the late Mr. Alwis, addressed the Council no less than five times, and as often was he unsuccessful in inducing the Government to admit that the Ordinance, or the working of it, required to be improved.

As is well-known, the object of the Ordinance was to make the tax leviable on the produce of the land. There are several clauses which show that it is the produce of the land. which is liable to the tax. Confining my attention to paddy lands, I would observe that the grain tax due in respect of the produce of each field was permitted by this Ordinance to be commuted either for a fixed sum payable annually or for a fixed sum payable in those years only in which the field or parcel of land produced that crop. The first system of payment was called the Annual Commutation, and the second system was called the Crop Commutation. The method of payment was left in the hands of the tax-payers, and if they did not chose either Annual Commutation or Crop Commutation, the Commission appointed under the Ordinance was enjoined to make the choice for the tax-payer, and whether the choice were made by the tax-payer or by the Commissioner, it was made by this Ordinance to be quite final. Then, as regards the assessment of the money value of the produce, the Commissioner was empowered by the Ordinance to make it in a particular way, and the right of appeal was given to the tax-payer, and the decision of the Governor in Executive Council was also made final. On failure of paying the tax, it was provided by the 18th clause that either the land or the produce grown on land, or any movable property found on the land might be sold. Such is the scheme, Sir, provided by the Ordinance.

One of the subjects which ought to be considered by the Select Committee is the choice given by this Ordinance to the tax-payers between the Annual and the Crop Commutations. The 8th clause of the Ordinance, Sir, has had the effect of serving as a sort of bait to the tax-payer to induce him to prefer the Annual Commutation. The average annual

yield is taken, and supposing it to be 1,000 bushels, and supposing the customary proportion due as tax to be one-tenth, the tax leviable on the land would amount to 100 bushels. The Ordinance directs that 10% of this be deducted, and the value of the Annual Commutation fixed at 90 bushels, so that instead of the tax-payer paying 100 bushels to the Government, this Ordinance professes to give him the advantage of paying 90 bushels only, if he makes his choice in favour of the Annual Commutation. By this clause it is thought a great many tax-payers in the country have been victimized, and in illustration of that, Sir, I would quote the observations which Mr. Fraser, the Government Agent of the Eastern Province, has made in regard to the working of this Ordinance in that Province. There are two districts in the Eastern Province—the Trincomalee district and the Batticaloa district. In the former the people were prudent enough to choose the Crop Commutation, but in the latter they did not make any choice whatever, and therefore the Commissioner appointed for that district pronounced in favour of Annual Commutation. The consequences of this choice have been most serious to the people of the district. Mr. Fisher says:—

> "The landowners have, however, themselves, in a great measure to blame for the positions in which they stand. Averse from entering into any contract which bound them to pay a fixed tithe, they held aloof, and imagined by doing so that their lands would be excluded from the assessment. They took no steps to choose the form of Commutation best adapted to their circumstances, and, as a rule, left the election to the Grain Commissioner. The decisions of the Grain Commissioner were scarcely ever appealed against, and the method of assessment adopted, if not acquiesced in, was never seriously questioned. The result is that we find a condition of things very much the reverse of what is reported from the Trincomalee district and the rate and method of assessment adopted formed a general subject of complaint."

This is one of the points which should be considered by the Select Committee, in case Your Excellency agrees to appoint one.

Then, Sir, with regard to the assessment of the Commutation. This is provided by the 8th and 9th clauses of the Ordinance, and, any appeal against the decision of the Commissioner goes to the Governor in Executive Council.

But considering the habits and ways of the paddy-field-owning class, it is a question to be seriously considered whether the Commissioners, who have been appointed to make this assessment, have been carrying out the true spirit of the Ordinance, or acting up to the recommendations of the Grain Tax Commissioners appointed by Sir William Gregory. Those Commissioners said that,—

"Commutation should be made on a careful field to field assessment and should be based on the average annual crop which the land is capable of yielding, regard being had to its soil, water supply, facilities for obtaining manure, its liability to any special damage, and all circumstances which affect its cultivation beneficially or otherwise..................We recommend that the commutation should in the first instance be made at the most liberal rate compatible with the maintenance of the revenue."

Now, instead of exercising the utmost liberality in making this assessment, it is undoutedly true, in some districts at least, that the Commissioners have made a grinding assessment. I would refer to the diary of Mr. Fisher in the Administration Report of 1886. He says:—

"November 12th.—Drove out in the morning to Pattirippu, eighteen miles, to commence the sale of lands seized for the non-payment of Commutation in the Eruvil and Poraitivu divisions. The people were very lucid in their complaints of the present high rate of assessment, but I persuaded most of the landowners to pay the amount due, and gave the defaulters time to the 27th to pay at the Kachcheri. The Vanniya headman informed me that most of the crop commutation lands were lying waste, the owners intending to escape the payment of tax by not cultivating. I have ordered him to give me a list of such lands and a statement showing the total number of lands seized for non-payment of tithe within his division.

"November 13th.—To Kalmunai, six miles. Examined list of lands seized in Kararvaku, north and south, and persuaded most of the landowners to pay the assessment. Some cases were brought to my notice where lands had been seized at Rs. 3 an acre. I explained that I was unable to interfere, as the time for appeal had elapsed, and that the assessment must be paid. Some cases of great hardship I reserved for consideration, pending the instruction of Government. These were instances in which several divided shares had been assessed as one parcel, and, because one shareholder had paid the tax on the uncultivated allotments. I did not sell a single land the people seeming disposed to take advice and to pay the amounts due.

"November 15th.—Examined the list of lands seized in the Sammanturai and Nadukadu divisions, and inquired into petitions connected with the seizure. The whole of the Nadukadu lands had been seized, and the owners represented that their tax had been doubled by the Grain Commissioner, and they had been ordered to pay annual commutation, while cultivation was attended with the greatest uncertainty, and they could never depend upon cultivating in two consecutive years.

"I explained to the landowners that I was unable to grant them any relief, and that they had better petition the Governor, supporting their statements by statistics. The lands in Nadukadu are undoutedly rich, but they suffer from floods and from the inroads of wild beasts and the difficulties connected with the removal and transport of produce is also

very great. The majority of the landowners in Sammanturai agreed to pay up and I have directed the defaulters to appear at the Kachcheri on the 29th.

"The Karaivaku Vanniya sends me a list of the lands seized, and advertized for sale in the Eruvil, Poraitivu, and Karaivaku pattus:—

		Acres.
Eruvil, 62 lands	... ...	245
Poraitivu, 94 lands	... ...	1,523
Karaivaku, 527 lands	... ...	3,261
	Total ...	5,029

November 16th.—To Arasadi, six miles. I examined the list of lands seized in the Mintavur division seventy-four lands, 801 acres in extent, had been seized. I explained the provisions of the Ordinance to the people, and advised them to pay the amounts due, which they consented to do.

November 17th.—To Akkaraipattu, and back to Arasadi, twenty miles. The number of lands seized in the Akkaraipattu division is very large, and the people showed great dissatisfaction, and complained bitterly of the manner in which their land tax had been raised. They say they plunged headlong into debt in the famine time (1878), and that they have not yet been able to clear themselves, and that they are quite unable to meet their liabilities without further involving themselves. I explained the provisions of the Ordinance to them, and told them that they must pay the tax due, or run the risk of losing their lands. I gave them time till December 1st to pay and refrained from selling any of the land advertised. The Vanniya gave me this statement of lands seized in his division:—Mintavur 74 lands 801 acres; Akkaraipattu 4,123 acres. Total 4,924 acres.

Let these extracts speak for themselves. What fearful misery! The mode of assessment adopted by the Commissioners in districts when complaints are rife should engage the attention of the Select Committee with a view to enabling the Council to offer such relief to the unfortunate tax-payers as their case demands.

Then, Sir, let me refer to the sale of lands for arrears of taxation. It is not merely in the Eastern Province that complaints have been made upon this point. Such complaints are almost universal. To begin with the Western Province, the Government Agent admits that there is hardship in the imposition of this tax on half duty fields and *tattumaru* fields, and he reports that since the Ordinance came into operation in his Province 4,000 acres of paddy land had been seized and sold for Rs. 12,000: that is to say, an acre of paddy land selling at the rate of Rs. 3.

The Assistant Agent at Ratnapura has also very serious objections to the working of this Ordinance. He says:—

"I still adhere to my opinion that Sabaragamuwa is not a district in which the system of compulsory commutation should have been introduced

.... Introduced as it was exactly at the time when coffee failed and all the native gardens ceased to yield, the effect on the district has been most disastrous."

The Committee might report whether it is right in all districts that compulsory commutation should be introduced, or whether in certain districts the requirements of the population should be taken into consideration, and a Crop Commutation only enforced. Of course, the Commissioners are vested with the power to introduce either the one or the other, but most generally it has been found that they have gone in for Annual Commutation. Then, Sir, the Government Agent for the Southern Province is equally clear as to the lands seized and sold under this Ordinance. He says that in four years, 2,300 acres have been sold. In the Central Province the Assistant Agent at Nuwara Eliya is very strongly opposed to the policy of selling lands for arrears of commutation. I do not think the Ordinance itself has been introduced in Nuwara Eliya, but Mr. LeMesurier speaks against the policy. I am just reminded by my hon. friend the Sinhalese Member that the Ordinance was introduced into Nuwara Eliya last year. I should like, Sir, to quote Mr. LeMesurier's observation. He says:—

"I find that out of a total of 18,848 fields in the district, 2,889 have been sold for default, that is to say, over 18 per cent. of the fields have forcibly changed hands in four years .... In 1881 the population of the villages, in which sales have been held was 34,216; it is now as near as can be ascertained 30,693—a decrease of ten per cent."

I submit, Sir, that if there is to be so much depletion in population owing to the working of this Ordinance, it is high time for this Council to inquire into the subject. In the North-Western Province Mr. Templer reports that "the Grain Tax Ordinance is *happily* not in force." It thus becomes our duty, to examine into the question whether lands ought to be sold in the way they have been for arrears of taxation, or whether it would not be more desirable to levy upon the produce only, or some other kind of property.

There are many other points which I should like to press upon the Council, for instance, the rate or value per bushel of paddy. Under the Ordinance, it is provided "that the average price of paddy per bushel prevailing in the district

in which the land is situated during the 14 years preceding the inquiry shall, as far as the same is ascertainable, be deemed to be the value of paddy per bushel." I am inclined on the contrary to agree with the Assistant Agent of Nuwara Eliya that the rate per bushel ought to be the price prevailing at the threshing floor of the paddy-field itself.

There is also another suggestion, which I think is very good, viz., that in case of real property it would be desirable not to collect the tax in money, but as of old in kind. I might also remark Sir, that it would be for the Committee to consider whether the responsibility of paying the tax should be cast altogether upon the landlords who do not live on the land, but rather upon the cultivator who has leased the land from the landlord. Now, whatever may be the case, Sir, in other Provinces, it is, I think, undoubted that in the Southern Province at least the whole expanse of the country is more or less in the hands of cultivators and not landlords who are absentees. The consequence is that the payment of this tax being insisted upon from the landlords, it has often happened that the cultivator has allowed the land to be seized and sold, though able to pay the arrears of taxation.

Then I would suggest the consideration of another point, and that is that, when there are several shareholders of a piece of land, if one of the shareholders pay the tax, there is no provision in the Ordinance enabling the paying shareholder to recover from the defaulting shareholders the shares of the taxes due by them.

It is needless to detain the Council any longer. I think the points I have put forward are sufficient to engage the attention of a Select Committee. A *prima facie* case has been made out by the tax-payers of the country against the Ordinance as it is found to work at present. I do not condemn the Ordinance *in toto*. On the contrary, I think various benefits have been realized by the Ordinance. I am only directing the attention of the Council to the fact that there are some evils of great magnitude which require

amendment, and if your Excellency will grant us the Committee, I have no doubt that they will be able to report upon the matter in a satisfactory manner, and afford an opportunity to the Council to give the necessary relief to these unfortunate men."

[On being seconded by Hon. Mr. A. De A. Seneviratne, H. E. the Governor expressed his willingness to sanction the appointment of a Select Committee. Thereupon, Mr. Ramanathan moved that the Committee should consist of the Hons. the Treasurer, the Government Agent, W. P., the Government Agent, C. P., Mr. Seneviratne, Mr. Grinlinton, and himself. This was agreed to.

Their exhaustive report on the subject, dated 31st March, 1890, was laid on the table of the Legislative Council, by order of H. E. the Governor Havelock, as Sessional Paper No. 17 of 1890.

Nine months afterwards, on the 3rd December, 1890, Mr. Ramanathan moved for a return of the dry grain crops raised in the N. P. and the revenue collected as tythe for the past 10 years. The Colonial Secretary replied that, according to the Blue Book, the average crop of dry grain for the last 6 years was 94,913 bushels, which at Rs. 1/35 per bushel represented Rs. 305,000.

On the same day, by order of H. E. the Governor (Havelock), the Auditor General introduced an Ordinance to repeal the Dry Grain taxes, on the ground that the revenue derived from it was very small that the incidence of those taxes was partial, being collected in some districts of the Island, but not in others, and that the nature of the cultivation of dry grain was such that even an approximate estimate of the crops could not be made.

Happily the Paddy taxes too shared the same treatment as the Dry Grain taxes. Governor Havelock said in a despatch "I have come to the conclusion that the Paddy tax is an obnoxious tax and that it should be abrogated."

As the current of opinion ran strongly against the continuance of this food tax, and in England and Ceylon was developed by the Cobden Club, the Secretary of State directed the Ceylon Government to take measures to abolish the tax. The Ordinance No. 4 of 1892, abolishing the tax, was passed the 1st June, 1892 and came into operation on the 11th December of the same year.]

ON FREEDOM OF SPEECH AND VOTE FOR THE OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL.

(19TH DECEMBER, 1889.)

MR. T. N. CHRISTIE moved, and MR. RAMANATHAN seconded, the following motion:—

That this Council do humbly petition Her Majesty the Queen, (1) to consider the desirability of allowing freedom of speech and vote to the official members of the Legislative Council, except when Her Majesty's Secretary of State intimates to the Council the orders of the Imperial Government, and (2) to cause a despatch clearly defining the position of Official Members to be laid before the Council.

MR. P. RAMANATHAN said:—

Sir, my honourable friend who represents the European Planting community has asked me to second this motion. Though personally I should prefer to come later on in the discussion, I yield my own wishes to his, and now second his motion. The question he has raised is a very important one, and one in which all Ceylon I may say, both European and Ceylonese, is vastly interested. At the same time it is a very difficult question, and one that cannot be satisfactorily disposed of without reference to the aims and objects which those who founded the Legislative Council had in view.

During the administration of Sir Edward Barnes, there was a constant deficit of revenue, and two commissions of enquiry were appointed by the Secretary of State to inquire into the financial and judicial system in vogue in the island Lieut.-Colonel Colebrooke was the Commissioner of Inquiry with regard to the administrative system. He came here, made inquiries from different classes of people, and at last reported to Viscount Goderich, in 1831 I believe, his views about giving the Colony a good workable Council. He proposed that the Governor should not be the President of the Council, but some other officer—I think it was the Chief Justice—and he recommended as follows:—

"To secure as great a degree of efficiency as may be attainable, this body should be composed of a larger number

of the principal officers of Government, civil and military, than have hitherto been appointed to the Council. The heads of general departments at the seat of Government, the Attorney-General, and the Government Agent of the Colombo district, would properly be appointed to it, provision being at once made for the admission of any respectable inhabitants, European or native, whom His Majesty may hereafter be pleased to appoint."

And further down, he says :—

"Without involving the Governor in the discussions of the Council, or exposing its members to any influence unfavourable to the independent discharge of their legislative functions, provision may be made by these arrangements for the gradual amelioration of the Colonial institutions for that publicity in regard to the affairs of the island which will conciliate public confidence, and for such deliberation in regulating them as will protect the people from precipitate changes of the laws affecting their rights and interests."

To anybody who reads Colonel Colebrooke's report, it will be apparent that he, at all events, had in view the principle that the utmost latitude of discussion should be given to every one of the members who would form the proposed board. When the report was received by the Secretary of State, it was thought that the presence of the Governor in Council would enable him to become familiar with the thoughts and feelings of those representative men who might be called upon to take seats at the proposed board, and therefore it was resolved that no other person but the Governor should be the president of the board. At the same time, the Secretary of State thought that no Governor who cared for the good Government of the Island would impose even the slightest check upon this freedom of speech, and I may say that Earl Grey, in stating his views in 1848, practically gives utterance to the views which no doubt one of his earlier brethren in office entertained on that question. He said:

"I am convinced that the circumstance of having taken

an active part in the preparation of such measures will never induce the Governor to entertain the slightest wish to check the remarks of those who may honestly object to any of his proposals. On the contrary, it will be naturally his desire, while there is still an opportunity of amending and reconsidering the measures brought forward, to hear the criticisms of the members of the Legislative Council, whose object, it is to be presumed, will be the same as his own, namely, that of rendering the laws which are enacted as well adapted as possible to the wants of the community. Considering how deeply the reputation of the Governor is concerned in the prosperity of the Colony entrusted to his charge, he cannot but be anxious for the best assistance which he may be able to procure towards rendering his measures as effective as possible."

Well, Sir, the Council was at length established by Comission granted under the hand of William IV., on the 19th March, 1833, and the reason why four officials independent of the Executive Council were asked to take their seats in the Legislative Council appears to me to be this:—

There were the Governor and five official members who represented the Executive Government of the country making in all six official members. On the other hand, there were six unofficial members appointed to represent the different interests in Ceylon. Now, the four non-executive official members were put on the board evidently to operate as a sort of check on the official members as well as a check on the unofficial members. The Government of the Western Province, the Government Agent of the Central Province, the Collector of Customs, and the Surveyor-General, were men of highest standing in the Civil Service, daily coming in contact with natives and Europeans of all classes, and therefore it was of importance that experience gained under such favourable circumstances should not be lost to the Council. It was, therefore, I believe, that these four gentlemen were made members of the Legislative Council. It appears clear to me that it was never intended

to restrict freedom of speech and vote, so far as these four were concerned in the same manner as in the case of the six members of the Executive Council.

Now I would refer Your Excellency to an address given by Sir Robert Horton to the Council on the 14th September, 1835. He said:—

"The initiation and introduction of laws belong to the Executive Government, under His Majesty's Instructions. When those laws are introduced into the Legislative Council, it is open to any member to vote against the first reading of an Ordinance, the subject-matter of which does not, in his opinion, require to be dealt with at all in the way of new legislation. If a majority voted against the first reading, which involves the principle of the Ordinance, of course there would be an end of the particular measure of legislation proposed. If, however, the majority adopted the principle of the Ordinance by voting for the first reading, it is then read a second time and each clause separately considered. There is a third stage, when it is proposed that the Ordinance do pass into law."

It is, therefore, obvious that the first Governor, who had to deal with the Legislative Council, thought that all the members who took part in the deliberations were perfectly free to express their opinions as they liked. The next Governor, Sir, was the Rt. Hon'ble Mr. Mackenzie, and you will find in his address much the same opinion. He said:—

"As the first representative of our present Most Gracious Sovereign in Ceylon, on this first occasion of meeting its Legislative Council, it would be worse than presumption in me to say that I do not feel the grave responsibility of the duties that devolve upon me as your president. I know well that I am entitled to look to you, gentlemen, for aid in framing wise and just laws, suited to the circumstances of this colony. Without that aid in the performances of my duties, which I acknowledge the importance of, my anxiety and care for the conduct of the affairs of this colony with punctuality and energy would be fearfully increased, but aided by you

cordially in maturing such acts of legislation as may be from time to time required, I shall not shrink from the task which my situation imposes upon me."

I may say that, considering that the Chief Justice was a member of Legislative Council at the time of the presidency of Mr. Mackenzie, it would be absurd to suppose that an official of that high standing could be called upon either to hold his tongue or not to vote as he liked. Indeed, Sir, in 1848 it was distinctly proved in the House of Commons by the witnesses summoned before it that it was the invariable rule for official members to be allowed freedom of speech. Mr. Acland proved it, and the father of my hon. friend, who is at present the Government Agent, also proved it; and in fact the Secretary of State himself admitted that no proof was necessary on that point. It also transpired before the Parliamentary Committee that the very first occasion on which this rule was infringed was in 1847, when the Ordinance No. 10 of 1847 was attempted to be forced through the Council. Lord Torrington then asked the official members of the Council to vote in support of that measure. This order, Sir, gave grave dissatisfaction and, after reference had been made to the Secretary of State, who was then Earl Grey, the despatch which my hon. friend has already read to the Council was written. On this point I beg to quote a part of a paragraph from Lord Grey's despatch:

"With regard to the amount of freedom in their conduct, as Legislators, to be allowed to the official members of the Legislative Council, which is the subject of the next part of Mr. Ackland's letter to myself, as well of his former letter to the Legislative Council to which he refers, it appears to me that the best rule which can be laid down under the circumstances of Ceylon is, that the official members of the Council are entitled, as well as the unofficial, to express their opinion upon all subjects with the utmost freedom, but that, after they have done so, it would be improper and inconsistent with their official character, to defeat, by their

votes, measures which the Governor, hav their observations, might continue to press forward."

I may say Sir, that this docume patch,—is, so to speak, our Charter [illegible] speech in Council. Now this much is clear from this that not merely were four non-executive official to have their own say upon all questior [illegible] Executive members of the Council. This fre far as I have been able to judge, was all certainly up to 1868. General Hodgson, in 1869, addressing the Legislative Council will do me the justice to administration and my presidency ove has been the entire freedom of discussi for the proper consideration and ven question, and that every [illegible] official, an adherent of [illegible] Government, has been freely encouraged to enunciate his opinions, and has been responded to in a fair and generous spirit."

I see Sir, that this speech was delivered to the Council on the 19th January, 1869. After Sir Hercules Robinson assumed the administration of the Government, there was a serious difference of opinion between him and the Council, as regards the right of that Council to deal with its revenues without dictation on the part of the Secretary of State. I need not go into that part of the question because the principle then contended for is totally different from the principle that my hon. friend is now pressing upon the attention of the Council. Turning, Sir, to the division lists of the Council, I find there are many divisions in which official members during the time of Sir Hercules Robinson have been voting with the unofficials sometimes, and sometimes with the Governor. In fact, I have seen one or two divisions when the Colonial Secretary and the Treasurer, though members of the Executive Council, have been voting against the

Governor. During Governor Longden's time there appears to have been some amount of freedom, judging, I say again from the division lists of the Council.

It is said, Sir, that it is only after the arrival of Your Excellency in Ceylon that some pressure has been put upon official members as regards their freedom of speech and vote. I am not at all certain of that, Sir, because I believe there is a despatch written by the Duke of Buckingham in 1869. I know that I had a copy of the despatch—or a portion at all events of that despatch—and I did my best this morning, Sir, to find it, but I failed. That despatch is a stumbling block in the way of my hon. friend. Then again we have also heard of the existence of another despatch more recently sent out to the Island—I believe in 1888—in reference to some objections taken by a distinguished officer of the Civil Service, and I believe that, too, sanctions in a way the restriction of freedom of speech and vote. The despatch of the Duke of Buckingham written in 1868 seems to be contradicted by the declaration of Governor Hodgson in 1869 that the greatest latitude of discussion was allowed by him to the official members of the Legislative Council. Your Excellency may be able to throw some light upon this part of the question. It certainly requires elucidation.

Apart from these two despatches, I must say that all the argument is upon our side, and barring those despatches, I would show upon general grounds the expediency of giving to official members, at all events to the four official members I have named as holding the balance of power, perfect freedom of speech. My hon. friend's motion distinctly asks that any despatch clearly defining the position of the official members be laid before the Council, and I am sure the public will be very glad, Sir, to read the contents of the despatch. At the same time, this much is certain, that a privilege which was granted to the public in 1833, and preserved to them with one little interruption up to 1868, ought not to be withdrawn from them without substantial reasons. I do not know under what

circumstances the despatch of the Duke of Buckingham was written. If Your Excellency is desirous of enforcing the terms of that despatch, the unofficial members would be placed in an awkward position. Up to 1868 they looked upon these four non-executive officials as keeping a neutral position in regard to measures that may be brought by the Government or by the unofficials, and dealing with them impartially. Hereafter they would be prevented from expressing their opinions as freely as they would otherwise do. The strength of the unofficials is, therefore, very greatly reduced; and the strength of the Government has been as greatly increased. If Your Excellency could see your way to restoring to the four non-executive officials the freedom of vote and speech which they once undoubtedly possessed, I feel perfectly certain that the country would be very grateful to you.

The remarks that I have made, Sir, will now enable members to see how I stand personally in regard to the motion before the Council. The motion suggests the desirability of allowing freedom of speech and vote to the official members of the Legislative Council. The official members consist of the Governor and the members of the Executive Council and the four non-executive members. I do not think the history of the question permits me to say that the Executive Council Members had ever the right to vote in the Legislative Council as they liked; but the papers before us show that they had a right to speak. But as regards the non-executive officials, I take it they were allowed both to speak and vote as they liked, at least up to 1868.

Personally I can at present go with my hon. friend only to this extent, namely, that as regards the non-executive officials, it would be an advantage to the public and to the unofficial members of the Council, if they were allowed to speak and to vote just as they like. I expressed my views on the point before I came into Council to my hon. friend the mover. I should certainly have been very glad had he seen his way to draft his motion upon the lines I have indicated.

If there is division amongst us unofficial members of Council to-day, it will be only because of the rigidity of my hon. friend's frame of mind. It will not be because they do not sympathise with his motion in great part, but only because he has not consented to altering his motion in some respects at least. I have seconded his motion for the purpose of enabling hon. members to have their say upon the matter, and also to enable the Government to express their views upon the subject. I know that the public are anxious that the Government should show their hands to some extent and relieve them of the harrassing thought that the present Governor is putting pressure upon official members of Council in a manner that previous Governors did not do.

[Mr. Christie's motion was lost, on a division.]

THE FISHING OF BECHE-DE-MER.

[19TH MARCH, 1890.]

The Hon. the Attorney-General moved the second reading of an Ordinance for levying certain fees on the fishing of *beche-de-mer*.

MR. RAMANATHAN rose in opposition and said :—

I am sorry to say that I am unable to support this Ordinance. It introduces a vexatious system of licensing fees in addition to the royalty claimed on behalf of the Crown, and unnecessarily interferes with the fishing of beche-de-mer. I believe that much injury will be caused alike to the people who are interested in this enterprise, and also to the revenue.

It is not commonly known, Sir, that beche-de-mer is an article of food fished in the lagoons and shallow waters round about the Jaffna peninsula. There is a large trade carried on in the Indian Archipelago, New Guinea, and the coral reefs of the Pacific Ocean; also in the Indian waters near Rameshvaram and Puapalakodi, and last of all in Ceylon also along the coast of Tenmaratchi and the islands about Jaffna. I have no doubt that any interference with this trade in Ceylon would, owing to the large competition that exists between Ceylon and the other countries I have named, lead to its suppression, and necessarily cause a great deal of harm to the people at present engaged in it.

My hon. friend the Attorney-General said that the regulations had to be made in connection with the beche-de-mer fishery in order to protect the chank fishery. I cannot admit that the chank fisher requires to be protected in any manner beyond that contemplated by the Ordinance Nos. 4 and 5 of 1842, much less that the protection of the chank fishery cannot be effected without interference with this particular form of fishery—the fishery of trepang or beche-de-mer. Now, Sir, the nature of this interference is quite apparent

from the wording of the draft Ordinance. First and foremost I would refer to the licensing fees mentioned in the schedule attached to this Ordinance. It is an annual fee, and there is a license required for each person engaged in the collection of beche-de-mer, and another license for each boat employed in the collection of this article, and a third license imposed on each tindal or person in command of a license boat, a fourth license to cure or store beche-de-mer for each curing place or store. It is just possible, Sir, that the tindal may be the boat owner, and the boat owner may be also the store owner, in which case the license would fall cumulatively on one and the same person. But even if these licenses fall separately on different persons, I cannot conceive why this new system of exacting licensing fees should be imposed upon this poor class of people who earn their livelihood by the fishery in question. Apart from the licensing fees, unnecessary interference is caused by making it necessary for some of these parties to make deposits of Rs 100, I believe, with the Government Agent. I do not know the reason for making it necessary that a deposit of Rs. 100 should be made, but clause 12 certainly enjoins that a cash deposit of Rs. 100 should be made in respect of any place used for storing or curing. Also a cash deposit of Rs. 50 should be made by the tindal or other person in command of every boat, canoe, raft or vessel licensed under this Ordinance. Then again by the 8th clause, a declaration is necessary on the part of a person applying for a boat license, setting forth the shape of the boat, its dimensions and proportions together with the number, names and ages of the crew to be employed on such boat, canoe, raft or vessel. I do not think, Sir, I have ever seen in the whole course of my experience regulations so stringent as these. How is it possible for a boat owner to declare beforehand, in his application for a license which has to las one year, that he would only engage such and such men fo the purpose of plying his boat? Is it to be supposed that men will not fall ill? And what is to become of the

owner of the boat then, after declaring that he would only engage four or five specially named persons. He would be unable to engage for hire any other person in the case of the illness of the person stated in his application, and if he does take other persons in his boat, he would bring himself within the penal clauses of the Ordinance. And then, if anything happens to his boat, he dare not take, or hire, or use any other boat for the purpose of this trade.

But this is not all the interference complained of by those whose petition I have laid on table. By the 15th clause it is declared that the possession by any person of beche-de-mer shall be unlawful, except under the following circumstances —except such beche-de-mer shall be in the posession of any person holding a license, or of any person legally empowered to remove the same or shall be possessed of the authority to the Government Agent of the Province. I think this goes much further than even the Coffee Stealing Ordinance, Sir. Why should not a person possess a few of these animals either to eat, or as a matter of curiosity, without being brought with the penal clauses of this Ordinance?

I do not know upon whose responsibility clauses so stringent have been drawn up, but I must say these are the most curious clauses I have seen during a pretty extensive knowledge of the course of legislaton, even in this counry. But the harrassing features of this Bill do not end even here, The 21st clause enacts — "That every unlicensed person who shall act as a boatman, or as one of the crew of a licensed boat, and every carriage, cart, or other vessel employed in the removal of beche-de-mer without the permit hereinafter described shall be punished, and such vessel or cart or carriage shall be confiscated. Is beche-de-mer of such prime importance to the revenue of the Island that regulations so stringent need to be introduced in their favour? Then come the penal clauses, and the punishment meted out for offences of this nature is imprisonment, either simple or vigorous, for a period not exceeding three months, or a fine not exceeding Rs. 50, or both.

Now, Sir, I cannot conceive why all this interference is necessary in the case of trepang fishery only. If the chank fishery needs to be protected by interference with the trepang fishery, I wish to know why the fishery of ordinary fish should not also be interfered with in that part of the country. It cannot be said that trepang is so like chank that one of them cannot be distinguished easily from the other, and that therefore the same rule ought to apply both to chanks and trepangs. The trepang is a boneless animal, very much like a jelly, whereas the chank is a hard and white substance, and the difference between the two is as much as the difference between this pillar before me and a sheet of water. And yet it is stated in this Council that the chank fishery cannot be protected except by interference with the trepang fishery. I, Sir, cannot admit that any such interference is necessary, I and go further and say that the existing enactments in reference to the chank fishery are quite sufficient for the purposes of revenue.

It is necessary to consider the nature of the protection afforded by the Ordinance of 1842, so that the extreme nature of the enactments proposed by the present Ordinance may be emphasized. In the first place, the Ordinance 4 of 1842 dealt only with dead chanks, and the Ordinance 5 of 1842 with the chank fishery. By the former it was provided that no person should dig for dead chanks in any land belonging to the Crown without a written permit from the Government Agent. There were no licensing fees sanctioned by the Ordinance. Turning to the Blue Book, I find a remarkable entry under the head of chanks, and it is as follows:—"Under this head are brought to account sums received for permission granted to individuals to dig for dead chanks on Crown lands, being equivalent to the value of 1/5 of the chanks per year. This branch of revenue, which is peculiar to the Northern Province, is protected by Ordinance 4 of 1842."

Now, Sir, the Ordinance 4 of 1342 is in my hands, and I see nothing in that Ordinance to legalize the permit fee

demanded and received during past years by the Government Agent of the Northern Province. I have no hesitation in characterising this demand to be illegal, a demand which ought not have been sanctioned by the Government at all. Well then, by the Ordinance 4 of 1842, there was no right whatever to impose a licensing fee, whereas this Ordinance introduces a large number of licensing fees, one on the top of another. Then under Chank Fishery in the same Blue Book I find this remark:—

"Under this head are brought to account sums received for permission granted for the employment of boats and divers in the chank fishery. Ordinance 5 of 1842 provides that no fishery shall take place, except with the permission of the Government and the Government has made rules for the granting of this permission, and the recovery of these fees."

By what right has the Government now made rules for the recovery of these fees? I really should like to be enlightened by my hon. friend the Attorney-General.

[The ATTORNEY-GENERAL denied all knowledge about it.]

MR. RAMANATHAN continuing,—

No wonder my hon. friend knows nothing about it. Nor can my hon. friend, who is so well-versed in all the enactments of this Council, quote an authority for proposing the imposition of these fees, and yet he supports the Government Agent in imposing not one or two licensing fees, but seven or eight. Well, Sir, I ask if all this is to be permitted by us? My hon. friend knows nothing about these licensing fees, and I dare say Your Excellency knows nothing about them.

[H. E. THE GOVERNOR: Just as little.]

MR. RAMANATHAN continuing,—

Just as little! And, Sir, I think the members of the Executive Council know just as little! Then on whose authority have these fees been imposed? Who recommended them? I take it that they have been recommended by the Government Agent of the Northern Province; but I do not think that hon. members of this Council should

dance to the tune of the music of the Government Agent of the Northern Province. I have, Sir, a great regard for him. I have heard of his most charitable acts, but I cannot support this legislation, which is iniquitous.

I think the Government Agent has failed to appreciate the condition of the people from whom he expects to receive these licensing fees. They are merely men of the fisher class. They have no lands of their own; they live from hand to mouth, and earn a livelihood only by fishing in the shallow waters surrounding the island and the coast of Tenmaratchi and Pachchilapalai. How can people so poor pay half-a-dozen licensing fees, one after another? I have thus far spoken of the unnecessary interference caused in the case of beche-de-mer. Other modes of interference have been made in the case of the chank fishery. There are other licensing fees, there are the cash deposits, the declarations, and the penal possession of chanks. Boatmen and carters are brought within the penal clauses, and I want to know what reason there is for this impolitic, this cruel interference?

Your Excellency would perhaps like to know under what circumstances this Ordinance of 1842 was brought into the Legislative Council and passed. It was introduced for the purpose of increasing our revenue. In 1842 a largo class of people all over India gloried in the wearing of chank ornaments; but after the introduction of Manchester goods and the new system of education offered by the British Government to the people of India, the wearing of chanks as personal ornaments diminished. From 1839 downwards the revenue from chanks has been getting lower and lower. And now are we perpetrating another enactment for raising a falling revenue? Ought we not to take cognizance of existing conditions and see that we should not raise revenue from this source? The people are suffering from grievous hardships. Sir, complaints are rife that the people of Jaffna are suffering grievously from want of grain. The Government Agent of the Northern

Province, has admitted that there was almost a total failure in several parts of the country. When that is the state of our country, when my hon. friend the Treasurer calls upon Your Excellency to do something to relieve the deplorable condition of the people in the Vanni districts, are we to impose new taxes and wring from the people the money they cannot pay? I can only hope my hon. friend the Attorney-General will not lend his vast influence to the forcing through this Council an Ordinance, which I repeat again and again is iniquitous.

[The Hon. Mr. Christie and the Hon. Mr. J. J. Grinlinton supported Mr. Ramanathan, who called for a division. His motion against the second reading of the Bill was lost by a majority of 2. But in the Committee stage the obnoxious clauses were considerably amended.]

IN JUSTIFICATION OF GOVERNMENT INTERFERENCE, FOR REGULATING THE RELATIONS BETWEEN THE PLANTERS AND THEIR LABOURERS.

(DELIVERED ON 1ST MAY, 1890.)

When the second reading of an Ordinance to amend the Ordinance No 13 of 1889, relating to Indian coolies employed on Ceylon estates, was moved by the Attorney-General (Mr. Samuel Grenier), the European Mercantile Planting, and General members sharply criticised the Secretary of State for disallowing the said Ordinance (No. 13 of 1889), which had been passed on the 9th of October of the same year, and for directing another Ordinance to be introduced so as to afford protection to the Indian coolies as regards their wages, and for directing the Governor to carry it, if necessary, by the official vote.

The reasons for adopting this drastic course appeared in a despatch written by the Governor (Sir Arthur Gordon) to the Secretary of State (Lord Knutsford) dated 14th March, 1888.

In it, His Excellency stated that the Cooly Wages Ordinance of 1884 had been practically rendered inoperative by a recent decision of the Supreme Court and by another judgment of the same Court affecting the construction and meaning of certain clauses in the Masters and Servants Ordinance of 1865; that by such judgments the monthly paid labourers on estates had been converted into day labourers; that the checks imposed by the provisions of the Ordinance of 1884 against undue delay in the payment of labourer's wages had been rendered void, as also the facilities enacted for the easy recovery of their wages; that there was no objection on any side to the coolies recovering their wages, but the powers of inquiry given to the Government by the Ordinance of 1884, and the returns which had to be given under it in respect of the payment of wages, were highly unpopular; that he advised that the clauses which contained these provisions should not be re-enacted; that, instead, there should be a self-acting provision, whereby the labourers could neglect their duty or refuse to work, or quit service without leave, if at the time of the alleged offence any monthly wages payable to them had not been paid in full; that the Sub-Committee of the Council appointed to report on the Ordinance of 1889 recommended the addition of the following words to the above mentioned words,—"and he shall 48 hours previously have demanded from his employer the payment of such wages, and the employer shall have refused or failed to pay the same"; that he (the Governor), was clearly of opinion that the added words weakened the self-acting principle; that there was an essential difference between his words, and the Sub-Committee's provision which depended upon a deliberate act of each individual labourer himself for its being set in motion; that, nevertheless, he refrained from insisting on the rejection of the added words, and the adoption of his own clause as approved by the Secretary of State; and that the Secretary of State should not advise Her Majesty as to the allowance or disallowance of the Ordinance No. 13 of 1889, pending the passing of the new Ordinance.

At the second reading of this amending Ordinance a division was not called for by the Unofficial members; but the European Unofficial members characterised the action of the Secretary of State as arbitrary and unwise, and an affront to the Unofficial members of the Council.

MR. RAMANATHAN said:—

My hon. friends who represent the European Planting and Mercantile communities have spoken about the affront thrown upon the Legislative Council by the Secretary of State in requiring Your Excellency to carry this bill through by means of the official vote. So far as I am concerned, my hon. friends who sat with me on the Committee of the previous bill know perfectly well how assiduously I fought for the maintenance of what is called the self-acting principle, and I then expressed in Committee my surprise that official after official abandoned it. Seeing this state of things, I was obliged to accept the resolution of the majority, and the terms in which the Ordinance stands now. Therefore, my opinion in regard to the conduct of the Secretary of State is really this, that in the public interests he has done nothing but what is right and proper.

Passing from the action of the Secretary of State to the merits of the labour question, I have sadly observed that the opposition raised on behalf of the planters, and in fact by the planters themselves, has been as illogical as it has been prejudiced. I am not going to rip up the question from the beginning and point out in what respect they have been illogical and bitterly biased, but we have two instances of it to-day. One is the remark of my hon. friend who represents the European Mercantile Community, that Your Excellency's despatch brought about the refusal of the sanction on the part of the Secretary of State.

The Hon. W. W. MITCHELL (interposing)—I said it was enough to do so.

MR. RAMANATHAN (continuing):—That will quite answer my purpose, and I beg his pardon for not remembering his *ipsissima verba*. But my hon. friend does not appear to have considered whether the effect of that despatch had done good to the planters or put them in a worse position, and should

we not rise above our own horizon, and see whether the interests of the planters and the coolies have been or have not been really improved by the measure which he has asked Your Excellency to present to this Council? My hon. friend who represents the General European interests has answered that question in the affirmative, and I too think so. My hon. friend who represents the European Planting interests has spoken of the danger of experimenting upon the labour laws at this crisis, apparently suggesting that the Government of Ceylon has, of its own free choice, forced upon the Council and the planting community a meddlesome policy. Now that shows a total inappreciation of the actual facts of the case. I am prepared to shew that the Government have not unduly interfered with any one's rights or liberties. They have simply done their duty.

The labour law which is before us to-day is the result of the development of certain causes for which the Government is not responsible. Nor have they been experimenting. It was their duty to have taken notice of the situation that had arisen. Consider, Sir, for a moment how the Ordinance No. 11 of 1865 was passed through the Legislative Council. By it a man who was really and truly a day labourer, paid acccording to the number of days he worked, was converted into a monthly labourer, with the consequence that for refusal to work, or for desertion of duty, he was made punishable as a common criminal. That was done primarily as I understand it, in the interests of one section of the community, and that was the planters. The Government having wrought this change in the condition of the labourer in order to benefit the planter, the law as it then stood worked smoothly for a number of years, till Government interference became necessary again, but this time it was in the interests of the coolies. The planters were no doubt humane, mindful of their own interests as much as the interests of the cooly, but owing to the pressure of work and other circumstances, when the coolies fell ill they neglected them. It became necessary for the Government

to introduce an Ordinance regulating the medical wants of the planting districts. Some time afterwards when the collapse of the coffee enterprise came, it was found, by the reports furnished by these medical officers, that the condition of the coolies was in a very deplorable state. It was found that they were in a half starved condition on many estates, owing to their wages not being paid; and when the matter was reported in this official manner, it became the duty of Government to enquire into the matter. It was then found that the representations made by their medical officers were true. In fact the Planters' Association admitted, and my hon. friends also admitted, this unfortunate state of things. But they said it was the result of misfortune, and there was no intention to be wilfully negligent or dishonest. Thereupon, Sir John Douglas, who was then administering the Government, wrote a despatch to the Secretary of State, which was, as hon. members will remember, tabled on the 21st December, 1883. The despatch is dated the 12th October, 1883. He set forth the circumstances under which Government interrence became necessary, and wound up his despatch as follows:—

"The special points upon which the existing law appears to me to be most in need of amendment are these: —(1) a labourer paid by the day's work should incur the liabilities of a daily labourer only. Monthly labourers should be given a monthly wage. It would follow that no penalty for desertion would lie against labour paid by the day's work. (2) Arrears of wages should be a first charge upon the estate for twelve months, instead of three as at present. (3) The Government Agent of the Province, or any person authorized by him in writing, should have power at any time to inspect the coolies on any estate, and ascertain whether their wages have been paid. If it be found that the wages are more than three months in arrears, the Agent or his officer should have swift and summary powers for recovering their wages. The procedure laid in clause 23 of Ordinance 17 of 1880, would probably be found well suited for this purpose. (4) It may perhaps, be desirable to preserve in terrorem the penalties of fine and imprisonment against the employer for breach of contract with his labourers. See section 14 of Ordinance 11 of 1865, but it should be remembered that the employer is the Superintendent of the estate who, in the majority of cases in Ceylon, is not the proprietor, nor has he anything to do with providing funds for working the estate. The Superintendent has indeed of late been often in a worse plight than the cooly. The latter has been supplied at any rate with rice, the former may have received nothing whatever. The real remedy, therefore is against the pocket of the proprietor (frequently an absentee), and of the agents responsible for working the estate. The procedure above referred to under clause 23 of Ordinance 17 of 1868 would appear to afford such a remedy. (5) When the labourer is provided with rice by his employer, as he must of necessity be in the vast

majority of cases, it should be obligatory to supply the rice at cost price. This is not the universal practice at present. Provisions such as the above would, in my opinion, afford that security for wages which is indispensible as well for the protection of the cooly as in the best interests of agricultural enterprise in Ceylon."

Thereupon Lord Derby wrote to Your Excellency, upon your assumption of office as Governor of this island, that you should at once frame laws upon the lines stated by Sir John Douglas. How could Your Excellency be without taking notice of these instructions? Admittedly the coolies' wages were not paid; admittedly the coolies found it exceedingly difficult to recover their wages by means of the Law Courts. It thus became your paramount duty to directly interfere and settle this unfortunate state of things by enacting the Ordinance of 1884. Now, have I not shewn conclusively that it was not Your Excellency's Government who tried experiments with the Labour Laws of the Land?

The Ordinance that was passed was good enough, and things would have gone on satisfactorily, had not the Supreme Court of this island construed the Ordinance in such a way as to at once throw the whole machinery out of joint. Was it right on the part of the Government to stand by and see the whole scheme devised after so much trouble, collapse without a remedy? The inhabitants of the island expected Your Excellency to rise to the occasion, and you have introduced another Ordinance to regulate the relations between the planters and their labourers. It was necessary to conserve labourers' wages and to enable them to recover their wages without trouble. The planters complained that the interference caused by the furnishing of returns, the Attorney-General's inspection and supervision, and so on, were very vexatious. Your Excellency gave up those iniquisitorial clauses and substituted what has been called the self-acting check. Supposing you had not introduced the self-acting check, would the planters have accepted the inquisitorial clauses?

MR. T. N. CHRISTIE.—Yes, certainly.

MR. P. RAMANATHAN (continuing)—about which you planters have complained so long and loud? It was only

when my hon. friend found that the self-acting check would not do, so far as the payment of the coolies was concerned, that he harked back and said "we would rather let the whole thing go on as of old." I do not think this is fair. The truth must be spoken, and I am sure that an unprejudiced person would at once admit, what the planters and merchants are not able to see, that the Government has done nothing but what is proper and fair in the interests of the cooly, the planter, and the country at large. I, therefore, say again that there is nothing experimental in this legislation. I think it is most humane legislation. Now that the Secretary of State has sent back this Bill, and Your Excellency has given further latitude to the planters even upon lines which you did not contemplate at first, I think planters ought to be thankful instead of being cantankerous.

ON THE INEXPEDIENCY OF DISCONTINUING THE REGISTRATION OF TITLES TO LAND.

(21ST MAY, 1890.)

The Hon. Mr. W. W. MITCHELL desired to call attention to the report of the Special Commissioner for the Registration of Titles to Land (Sessional Paper XXIII of 1890), and to move that, owing to the cost incurred in the investigation and registration of titles, as shown in the report, it was inexpedient to continue the same unless the cost could be very materially reduced."

This motion was opposed by Mr. Ramanathan.

MR. RAMANATHAN said:— I have no doubt, Sir, that my hon. friends (Messrs. Mitchell and Grinlinton) have devoted to this question a great deal of their attention, but I am unable to agree with them. They have expressed to-day the opinions of a class of surface thinkers who take in readily an isolated fact, but have neither the time nor the inclination to dive deeper and see what relations that fact bears to the other facts of the case. Mr de Saram (Special Commissioner for Registration of Titles to Land) in one short letter of a half page has worked out the financial part of the question, and stated that the registration of titles has cost Rs 74 per acre. This is a simple statement and one easily grasped! So my hon. friends have thought it their duty to warn the Government of the danger of incurring such an expenditure. I am prepared to show that there is no cause for alarm. On second thoughts, my hon. friends evidently think so too, for their original motion was directed to the complete rejection of the scheme of registration of titles, but to day they aim at rejection only in case its cost cannot be materially reduced. I think it can be materially reduced.

Between October, 1887 and September, 1888, Rs. 22,218 have been expended, and no part of that amount could have been avoided. As a first experiment every cent of that expenditure is justifiable. But in the future such a scale of

expenditure is not necessary. The Rs. 22,000 includes the salary of the Commissioner, Rs. 12,600. It was essential that the first Commissioner should be a first-rate man, a man of wide experience, ability and tact, and the selection of Mr. John H. de Saram for the new and intricate work was happy and appropriate. In the course of the year, Mr. de Saram has been able to show that the scheme entrusted to him is as desirable in the interests of the country as it is feasible. He has brought it into actual operation, smoothing down difficulties, and pointing out in what respects new rules are necessary for attaining more speedily the aims of the legislature. All this practical experience has been purchased at a cost of Rs. 12,600, one year's salary of that able Civil Servant, and is available to his successors in office. Hereafter the work may be entrusted to younger men in the Civil Service.

The registration of titles is in the nature of judicial work, involving mostly claims which go for settlement before Courts of Request, presided over by fourth class Civil Servants, whose pay amounts to about Rs. 4,500 a year. In the event of the Government finding it impracticable to employ such men on this work, I am sure that it may be safely entrusted to practising lawyers. There are several men at the Bar, able and experienced enough for such work who would willingly undertake it, and creditably perform it, for Rs. 5,000 a year. This makes a saving at once of Rs. 7,600 on the salary of the Commissioner. My hon. friend has referred to two other heads of saving, namely, Rs. 4,000 on advertisements now dispensed with; and to the three months' salary paid to Mr. de Saram during the time he had to wait pending the expiry of the three months' notice to intending claimants. During this period of enforced idleness, Mr. de Saram received Rs. 3,000. As I have set the Commissioner's future salary at Rs, 5,000, I deduct as a saving Rs. 1,200 for the three months. The fourth head of saving is under the head of salary for the Assistant Surveyor who has received for the past year Rs. 3,000. This is too high and may be reduced

by at least Rs 1,000, considering that his work consists only in adjusting the present boundaries of land already surveyed under the direct control of the Surveyor-General. Hon. members will thus note that the Rs. 7,600, Rs. 4,000, Rs.1,000 and Rs. 1,000 saved as aforesaid aggregate Rs. 13,800, which deducted from Rs. 22,000 leave only Rs. 8,200 as the amount really required for settling a village of about the size of Dehiwala, that is 300 acres. The rate per acre is only Rs. 27, and not Rs. 74, as one would be inclined to think at first. There is a reduction of about 60 per cent. My hon. friends will no doubt consider this a very material reduction.

But, Sir, in assessing the expenditure on the registration of titles. I submit the unit of assessment should not be the acre, but the title, or rather the claim heard and disposed of. ("Hear, hear," from His Excellency the Governor). Because, Sir, our great point in the introduction of this legislation was to put down one of the curses of the country—litigation, which was both inpoverishing the people and making them resort to crime ("Hear, hear," from His Excellency the Governor). Every claim that may be settled in a village is so much to the diminution of poverty and crime in that village. ("Hear, hear," from His Excellency the Governor). I therefore say that the unit of assessment should be claims, and not acres. Mr. de Saram reports that he settled 790 claims. As the cost in future should be as I have shown, Rs. 8,200, the settlement of each claim would cost at an average about Rs. 10 only. Surely that is cheap enough, in all conscience, cheaper than any claim would cost, say, in a Gansabawa Court. If my hon. friends prefer to compute the cost of the scheme by the title registered, the 440 titles made out and registered at a cost of Rs. 8,200 would give about Rs. 18 per title. Thus have I shewn that all the money we need expend is Rs. 27 per acre, Rs. 18 per title, Rs. 10 per claim. The last ought to be the proper unit of assessment, and no man can reasonably say that Rs. 10 per claim or Rs. 18 per title is too expensive.

But I am prepared to shew that the scheme of registration,

if persevered in, will bring a large revenue to the island. The Ordinances of 1863 and 1865 do not expressly enact compulsory registration, but the current of the decisions of the Supreme Court is yearly shewing the extreme dangers of non-registration. And, under the Ordinance of 1877, it has been well pointed out by Mr. de Saram that the registration of titles leads necessarily to a compulsory registration of deeds. This is what he says:—

The practical effect of the registration of titles is to render the registration of deeds compulsory, inasmuch as no deed, other than a last will, affecting any land or interest in it the title to which has been registered, will be admissible as evidence of any right, title or interest therein in civil proceedings in any Court, unless the deed has been duly registered under the provisions of the Ordinance Nos. 8 of 1863 and 3 of 1865; and the consequence of any owner of land omitting to have his title registered is that no deed affecting land will be admitted to registration under these Ordinances after the expiration of 12 months from the publication of the notice I have referred to, when all the claims have been investigated."

If registration is compulsory, we shall have a net income to the revenue of about Rs. 150,000 a year. For, in 1887, there were attested by notaries 142,700 deeds, but only 41,320 were registered, leaving 101,380 unregistered. Allowing Rs. 1.87½ as the average stamp duty on a deed, the revenue would be Rs. 200,000 and, deducting the cost of increase of Clerical Staff, the net profit would be Rs. 150,000 a year. Under these circumstances, we can well afford to spend not Rs. 22,000 a year as we are now doing, but five times that amount.

But, Sir, I wish to ask hon. Members whether this is a measure which ought to be rejected because it is expensive. It has been always admitted as a fundamental principle of good administration that titles to land should be registered. After many years of patient enquiry and consideration, men like Captain Gosset (the Surveyor General), Charles Lorenz, Sir Richard Morgan, Bayley Thomson, prepared the Ordinance No. 8 of 1863, which had for its principal object the registration of titles upon the basis of a Cadastral Survey. The name of that Ordinance runs as follows:— "An Ordinance to provide for the registration of titles to land and of deeds affecting lands." The preamble is thus worded:—Whereas

the want of a proper registration of titles to land and of deeds affecting lands is found to be productive of much injury to the owners of such lands and to others interested therein, it is enacted" &c.

The registration of titles is thus the first and foremost object, and the registration of deeds ought to come next as a consequence of the first. The Registrar-General's Department having been established, the registration of deeds was carried on only as an interim business, pending the preparation of Cadastral Surveys by the Surveyor General's Department. If the registration of deeds were in itself a useful work under existing conditions, we might justify the existence of the Registrar-General's Department.

My hon. friends are under the impression that, because no difficulties have arisen in the registration of Crown Grants covering large areas of land, things are getting on in a satisfactory fashion with the rest of the country. This is a great delusion. For, many a Registrar-General has reported that the registration of deeds, without the ascertainment and registration of titles, answers no good purpose. Indeed, much of the work carried on in the Department at present may be looked upon as not bearing proper fruits. This is what Mr. de Saram says on the subject:—

"One great advantage in the registration of titles is that it will facilitate the registration of deeds. It is doubtful whether the Ordinance No. 8 of 1863 has been productive of much good as regards the registration of deeds affecting small native holdings. In the absence of a Cadastral Survey, the Registrar must frequently be unable to identify lands by the description appearing in the title deeds. He would find great difficulty in doing so by the name. There are in Dehiwala 69 gardens bearing the name Kongahawatta, 4 Kongahawatta alias Rukattanagahawatta, the same number called Kongahawatta alias Kiripellagahawatta and Kongahawatta alias Madangahawatta, 46 Apothekerayawatta, 16 called Ambagahawatta, 13 Kolainswita and so on. The boundaries would often afford no means of indentifying the land referred to, as the same boundary might in one deed be described as Rukattanagahawatta and in another as Kongahawatta, or as the property of Punchi Appu. With a Cadastral Survey and the registration of titles, all difficulties will be removed, as a copy of each allotment will appear on every certificate of title, together with the boundaries, every allotment being duly numbered."

This is what another Registrar-General says on the subject:—

"Indeed, until titles are registered, the registration of deeds, which has monopolised the attention of the Department, can hardly be regarded as a

benefit to the public. The registration of deeds was intended inquiries respecting prior transactions and to protect capita frauds by dishonest debtors. With this view the Ordinan rendered every deed affecting a land void as against a prior affecting the same land. But it is difficult and often imp absence of a Cadastral Survey to identify a land in Ce description of it in a deed. Lands have no fixed names and a after trees standing, or that may have stood, on them, or fro numerous persons that may have lived on them. The same called Kosgahawatta (Jak tree garden), Dawatagahawatta garden), or Dodangahawatta (orange tree garden), or Punchi watta (Punchinona's residing garden), or Juanis Naide- (Juanis Naide's residing garden). The boundaries given to lan lands whose names and descriptions are as fickle and shifting. of the same land is given differently in different deeds, being rough guess. In some villages hundreds of lands are called b name. In the villages Moratuwa there are 1,116 district lands gahawatta, and the folios in which these lands are registered many as 1,294 scattered over 53 volumes. The identification these Madangahawattas for the purpose of registering a lan affecting that land would necessitate an examination of all t and folios.

It is needless to comment upon the opportunities thu mistakes in registration, mistakes fraught with grave cons public, but often inevitable, even if the indices were up they were not till recently), and accurate (which they though every clerk was a paragon of industry and accurac is the Department of the imperfections of its work take upon itself the responsibility of issuing certificates, the public have a right to ask, of "Negative Search"— that there are no deeds registered against the lands or pe the requisition other than those of which extracts are give may even be perpetrated under the present system by insertion in a deed of the particulars of the lands in mislead the registering clerks into registering it in a wrong

Such mistakes and frauds can be effectually prevented o tion of titles founded upon a Cadastral Survey. Under it tration possess the unquestionable accuracy and compl should possess.

Is it not plain now to hon. members that muc on which the Registrar-General's Department engaged is beneficial enough?

And yet the interim registration of deeds is h public as intrinsically valuable, and upon the representation as much as Rs. 80,000 is levied as Is this right? Ought the people to be made registration of deeds without the Government taking measures in the first instance to ascertain the titles and the actual 'copies' of the lands to which those deeds relate? I most emphatically say that the existence of the Registrar-General's Department cannot be justified unless it undertakes

the works of registering titles. (Hear, hear from His Excellency the Governor). The contention therefore of my hon. friends that the registration of titles should not be continued strikes at the very root of the Registrar-General's Department. I don't think they mean it, but this is the practical effect of their opposition to the scheme, which was intended to benefit the masses of the people. This is no exaggeration.

My hon. friends will remember that, unlike other countries, lands which are not Crown lands in Ceylon are owned mostly in small lots by the people. Lands in Ceylon, as has been well said, is not the luxury of the few, but the business and the concern of nearly every inhabitant in the island. The country is practically in the hands of small land-holders. Disputes about lands are therefore as common as they are bitter, from the circumstance that a native loves his plot of land above all things. Those who have any experience of Courts know that nine out of ten land cases turn upon questions of title, the settlement of which forms the business of the law Courts. It is not the parties only who are directly interested in these disputes that betake themselves to the Courts, but their relations and friends also. I think it is a fair estimate that no fewer than 50,000 of our able-bodied keen-witted population waste their monies, time and energies on litigation every year. A new set of 50,000 every year!

Do my hon. friends realise why, among other reasons, Ceylon is one of the poorest countries in the world? What good is there in irrigating the paddy fields of the people, when the proceeds of their hard earnings are allowed to be drained off by expenditure on litigation, owing to uncertainty and vagueness of titles? All the machinery of Government is directed to the creation of peace and plenty. I say, it is highest statesmanship to persevere in the scheme of the registration of titles, as it solves appreciably the problem of the poverty of Ceylon, by bringing within the reach of the masses—all small land-holders—peace and plenty. It is only three years ago that three of the ablest and most

experienced of our officials, namely the present Attorney-General and the Government Agents for the Western and Central Provinces reported as follows:—

"The settlement, in the manner prescribed, of the title to every plot of land in any given division must practically end all litigation respecting real property in that particular locality. And when the settlement is extended to the whole island, the Courts will be freed from the investigation of the numerous intricate claims connected with landed property, which, at the present day, occupy so much time, entail so much expense, and cause so much ill-feeling amongst the native community.

But, Sir, it is not the small land-holders only that will be benefited, but owners of large estates like my hon. friends, by continuing the scheme of registration of titles. But the Commissioner and the Registrar-General recommended that, upon issuing the certificate of ownerships after registering the title, the title-deeds should be surrendered by the owner to the Registrar-General on receipt of the certificate. Elaborate conveyances by deeds would thus be done away with. Every one knows what lengthy documents our conveyances are, but under the proposed system of registration the transfer would become very simple indeed. The owner and the intended transferee would go to the Registrar-General's Office, state the object of their visit, and carry it out in a few minutes, by having recorded in the books of the Registrar-General and on the certificate of ownership, the nature and details of the proposed transaction. All this is not an ideal scheme, but a practical one, actually in force in the Australian Colonies, and known there as the Torrens' System. (H. E. the Governor: Quite so.)

I hope, Sir, I have now satisfied my hon. friends that the existence of the Registrar-General's Department cannot well be justified by mere registration of deeds, but only by the registration of titles; that the scheme of registration of titles, if expensive, has been so only as a first experiment, and need not involve the same cost hereafter; that the expenses may be considerably reduced; that compulsory registration would bring an enormous revenue to the exchequer; and that even if the expenses cannot be reduced, the scheme is of such far-reaching importance that considerations of expense and time

should not deter us from persevering with it, since it will directly improve the poverty-stricken condition of the people, guide their energies, now misused, to healthy purpose; make the transfer of land cheap and easy; and relieve the Court of justice of much needless work, so that they will be able to decide and dispose of cases within a short time of their institution. These are great and lasting advantages, purchased at very little cost, even though that cost be Rs. 5,000 per month, instead of the Rs. 2,000 we are now spending

The term "expensive" is relative. We do not abandon education because it is expensive, nor irrigation because it is expensive, nor road-making because it is expensive. Even railways may not be too expensive if they will only open up the country and improve its resources in general. We may justifiably get into debt for the purpose of carrying out such schemes which, if they do not pay immediately, will pay later on in a rich harvest of blessings. I have never conceived the British Government, as proud of or satisfied with giving in return for the taxes contributed by the people, a few policemen and prisons; nor is it a Government imbued with the mercantile spirit of expecting immediate profit for every penny it may lay out. I know it looks further ahead, the permanent good of the governed. Who will say that a miserable sum of Rs. 2,000 a month—one six hundredth part of the present revenue of Ceylon—should not be expended on the maintenance of a measure which is devoted to the redemption of the masses of the people of Ceylon from the curses of litigation, poverty and crime.

ON THE OPPRESSIVE ADMINISTRATION OF PUBLIC MARKETS IN THE NORTHERN PROVINCE.

(11TH FEBRUARY, 1891.)

MR. P. RAMANATHAN said:—Sir, I move for papers to the case of extortion and theft decided, on Decem last, by the Police Magistrate of Mallakam, in con with the administration of the Chunakam market.

It is not generally known in this part of the coun the people who take their goods for sale at the Ch market are drawn from the poor population of the pe They are all Thamils, and their status may be co to the Sinhalese basket women who are frequently seen walking in the streets of Colombo and sitting under the shade of trees selling things to the passers-by. The hardships of the people who frequent the market in Chunakam deserve the attentive consideration of the Council, not merely for their own sakes, but also as involving the larger question of the impolicy of levying a tax on the minor industries of the island.

The case also, Sir, illustrates what serious misconceptions have been entertained by the Government Agent of the Northern Province as regards the nature of these immemorial markets, and as regards his own rights and duties as an officer of the Government.

There are many immemorial markets in the Northern Province, and this one in Chunakam is among the largest, being about seven miles distant from the town of Jaffna, and the fairs held in the place are held every other day in the week, from morning to evening. I visited one of them in September last about one o'clock in the afternoon, and I found there were about 500 vendors mostly women, some

occupying miserable sheds, and others selling under the shade of trees. The whole market covered an area of about two acres, and the articles sold consisted of the barest necessities of life, such as rice, paddy, brinjals, plantains, coconuts, arecanuts, betel, and curry stuffs, herbs of different kinds, chillies, onions, poonac, and so on. Upon inquiry I found that the little huts constructed on the spot cost not more than 37 cts. each. Each of them was occupied by about eight women, and they paid at the rate of about 25 cts. per month yielding in all an income of Rs. 2 for the hut, which is a very handsome return per month for the 37 cts spent on them I went round the whole of the place and the complaint was most universal, not merely as regards the levy of an additional one cent demanded from these miserable women, but also as regards the methods adopted for the recovery of this one cent per day. Whether owners had one rupee worth of goods or less, the tax was invariably collected from them at the rate of one cent, or sometimes at the rate of half a cent; and then it was mentioned to me, and I have no reason for disbelieving my information, that, if one of these women did not pay this one cent regularly, the tax collectors would help themselves to her brinjals or coconuts or arecanuts as they like. At the end of the day, before the fair was over, these publicans would hold a public auction of the articles distrained in this fashion, and then pay themselves in that way. It was mentioned to me also that the Government Agent had authorised these publicans, one or two of whom were headmen, to recover as much as Rs. 50 a month by the levying of these taxes, and he insisted that the sum should be paid into the Kachcheri. I was not able to ascertain what this imposition was for. Everybody in the island, especially every public officer, except perhaps Mr. Twynam, would admit that the method adopted for the recovery of the imposition is illegal and oppressive, and in any civilised part of the world under the administration of the British Government, the system of distress that has been carried on for the last four years in the peninsula of Jaffna

would be condemned, I mean the mode of distraining goods for non-payment of a fancied tax or rent.

But, Sir, being on the spot, I was anxious to find out whether these vendors had any real difficulty in paying the one cent that was claimed of them; whether, quite apart from legal and constitutional questions, these women were able or not to give one cent a day. I took notes carefully on that day, and the answer returned to me was, "How am I to pay one cent for selling such articles as these?" I wanted to know what they meant? "Listen to me, Sir," they said, "We bring into the market no more than 80 or 90 cents worth of articles. The profit on the retail sale of these articles is about six cents, often a loss. We leave our homes all for these six cents or three cents." I asked them why they left their homes for six or three cents and travelled three or four miles to make those few cents a day, and the pathetic answer was, "What else are we to do?"

I went to another part of the market and put the same question, and I have got in my notes that a rice vendor bought ten measures of paddy at 7½ cents a measure, equal to 82 cents. The profit on the sale of the ten measures converted into rice was nine cents.

Living as we do in comfort and plenty, we cannot conceive the dire distress which these people undergo in the Northern Province. They occupy a world about which we know nothing. It is all very well for us, to profess to speak of their wants, but their real wants and wishes can never be understood unless we go amongst them, speak their language, and get from their lips a description of their true condition. It, therefore, appeared quite conclusive to me that none but the best of the vendors in the market could pay one cent a day in addition to the rent for the stalls. The Government Agent who has lived in that land for very many years ought to have known the condition of the people.

He also failed to realize, Sir, what an immemorial market

is, as held in the Northern Province. It does not mean buildings made of mortar or cadjan sheds, but it is the liberty or franchise enjoyed by a number of villagers in the way of exposing for sale, at a certain spot, goods suitable for consumption in the country. Considering the history of markets, it cannot be doubted that they are very different from the markets held in towns. In fact, Sir Sumner Maine, writing in his charming book on Village Communities, has very clearly pointed out the true nature of a market. He says "that a market is the neutral ground between a certain number of villagers set apart for the purpose of holding sales of different kinds of wares in which, under the ancient constitution of society, the members of the different autonomous proprietory groups met in safety and bought and sold unshackled by customary rule." It is admitted by the Government Agent himself that Chunakam and certain other markets are immemorial markets. I say that, if the Government Agent had recognized their true nature, he would not have attempted to levy an imposition on the people. He did not understand their nature and failed to appreciate the poverty-stricken condition of the people.

My motion, Sir, refers to a particular case decided by the Police Court of Mallakam. It came up in appeal and was affirmed. One of the accused in that case said: "I was authorized both by the Maniyakar and the Government Agent to recover the money." He called the Police Vidane of Chunakam who stated: "When complainant rêfused to pay, the first accused told him: "If you will not pay, you must leave this place and go, and sell elsewhere." Some sellers of vegetables paid rent. It is collected now from those who occupy the stalls, as well as from the people who sell in the open air. We need to recover rent only from stall-holders till about three or four months ago."

The people, Sir, naturally resisted the levy of the new imposition. It was proved that in 1886 the people, owing to these oppressive impositions, determined to hold the market

at an adjoining place. The Government Agent then asked the headmen to prevent any such thing being done, and, upon their being unable to prevent the removal of the market, he is said to have dismissed eleven headmen. This was publicly stated in the "Hindu Organ," and it has not been denied up to this day. The Government Agent still persists in having his own way. There have been, I am told, twenty cases instituted. The last one was decided on the 4th of December, and the Magistrate found that the accused had attempted assault and extortion on the complainant, and theft in helping himself to the goods exposed for sale there, without the authority of the owner.

It should be added that the publicans have sometimes levied upon one and the same produce sold twice over. A man, for instance brings 20 coconuts for sale in the market, and a poor woman buys from him two nuts and breaks them and sells pieces of the kernel for a cent or so, and the tax or imposition is levied not only on the man who brought the 20 coconuts to the market, but also on the unfortunate woman who bought two nuts for the purpose of selling the kernel in broken pieces. The same thing has happened in the case of salt—both persons were taxed.

I fully recognize that the Government Agent for the Northern Province is a good and able man, but his goodness and ability in point of administration cannot shelter him from such faults as these. I wish to know, Sir, whether Government have received any explanation from him as to the way in which he has administered this market before and after the decision of this case. I move, Sir, for papers and I hope that Government will issue immediate orders to the Government Agent not to persist in the recovery of these impositions, which are as illegal as they are oppressive.

[The Hon. Mr. A. de A. Seneviratne seconded.

The Colonial Secretary replied that the Government had not heard of these cases, that considering the sympathetic nature of the Government Agent he could not believe, and refused to believe, the statements made against him; that the money which was said to have been levied, was not a tax, but appeared to him to be in the nature of rates, like the railway

rates; that they were necessary to meet the cost of keeping clean the market; and that he would lay before the Council the record of the Police Court case in due time.

In reply MR. RAMANATHAN expressed his amazement at the arguments of the Colonial Secretary, and asked how could he refuse to accept the first-hand evidence taken on the spot by himself, and by the Police Magistrate who decided the case in Court and condemned the accused for extortion and theft? He insisted on the Government instructing the Government Agent to cease to oppress the poor vendors in the public market.

ON THE ORDINANCE RELATING TO THE CARRYING AND WEARING OF KNIVES.

(20TH OCTOBER, 1890.)

Some months after His Excellency Sir Arthur Havelock's arrival in Ceylon, he noticed that the practice, so common among Sinhalese labourers, of carrying sheathed knives contributed largely to cases of culpable homicide, and of grievous hurt. He came to the conclusion that it was possible to prevent these crimes by restricting the use of knives among them.

The Attorney-General (Mr. Samuel Grenier), in explaining the provisions of the Ordinance at its first reading, said that the combined effect of clauses 1 and 3 was to gradually introduce the Ordinance into provinces, districts and localities, after due notice and subject to exemptions which, it was hoped, would prevent undue interference with the legitimate use of the knife in agricultural and other lawful pursuits; that the exemptions were to be made by the Governor in Executive Council; that the Ordinance made it an offence to carry or wear a knife which was capable of inflicting a stab wound; and that the bill would be referred to a sub-committee in due course.

At its second reading, MR. RAMANATHAN said:—

The offence of stabbing is prevalent among the rowdy classes of the Sinhalese. It is not so among the Europeans, the Burghers, the Thamils and the Muhammadans. This Ordinance would apply, therefore, mainly to the Sinhalese. But the Sinhalese cannot do without the use of the knife for their domestic and agricultural purposes. I see, Sir, some safeguards have been introduced into this Ordinance, but still it strikes me that the Bill admits of great improvement, and that whatever improvements may be introduced, the masses of the Sinhalese people will not be satisfied with them.

So far as the Thamils are concerned, I have made inquiries on the subject, and find that the people in the Northern and Eastern Provinces are obliged to carry knives more frequently than I had thought. One of the gentlemen to whom I wrote says:—"The requirements of our people demand the daily carrying about of a knife; their houses cannot be thatched, fences repaired, cattle fed, industrial occupations carried on, without the knife." Your Excellency has seen that one of the features of the peninsula of Jaffna is a series of live and dead fences all along the high roads. That is a

feature which Your Excellency will not see in any other part of the country—miles and miles of fences along the high roads and by-ways. How are the people to repair these fences unless they are allowed to use their knives? They must also thatch their houses, and feed their cattle, and there are of course other agricultural purposes for which a knife would be used which I need not mention. In view of these circumstances and of the fact that the Thamils in the Island are not addicted to the reckless use of the knife upon human beings, I have no doubt that Your Excellency will see that those whom I represent are relieved of the rigor of this Bill. I also think that the Europeans, the Burghers and the Muhammadans are entitled to claim at Your Excellency's hands a like immunity.

I note that under the Ordinance any province, district or place may be proclaimed. If a province or district is proclaimed, all the people in it will come under that proclamation; but in the case of a "place," how is it possible for any particular locality to be exempted without definite metes and bounds?

Your Excellency will perceive in clause 5 that whoever, after being convicted once, is brought up before the Court for a seco d offence as regards the use of the knife is liable to be punished with simple or rigorous imprisonment not exceeding six months. I submit that this is another instance of how our law leads to the fabrication of criminals. A knife is a necessary article which a Sinhalese man is bound to carry, and yet we are setting it forth that, if a person is caught a second time carrying a knife he should be held a criminal. If we turn to some of the Ordinances we have passed in years previous to this, we shall find that for purely arbitrary reasons people have been made criminals, and every year we have seen men sent to jail for offences that are not criminal at all. Your Excellency will permit me to read a small paragraph from the report of the Commissioners who were appointed to consider the working of the Road Ordinance, in proof of my statement of how that Ordinance has

been the means of fabricating criminals and removing the disgrace which ought necessarily to attach to life in jail. The Commissioners said:—

"The criminalization during the present year, of several thousands of these defaulters and the herding of them with real criminals cannot but vulgarize the idea of criminality, and cause imprisonment to lose much of its deterrent force. The returns of the Inspector-General of Prisons, indicating as they do, that from 1875 onwards the number of men condemned to jail for being in default has increased steadily from 2,566 to 14,768 in 1881, support our belief that the disgrace and fear of prison life are not having their due influence upon the minds of those amenable to the Road Ordinance."

Mr. Ramanathan also spoke of the necessity of removing by other ways than by restriction of knife-wearing, the more deeply seated causes of homicide and grievous hurt among the Sinhalese.

The foremost of these causes, he said, was want of self-control and want of respect for human life, and the fatal facilities which existed in this country for indulging in drink, and the absence of the feeling of disgrace in being sent to jail.

The first and second of these causes might be met by educating children up to a certain standard on right lines of thought, speech and action. It was a paramount duty of the Government to undertake more largely than hitherto the establishment and maintenance of primary and middle class schools, in which vernacular education and the elements of industrial training might be imparted. The grants in aid had been reduced and many a Government school suppressed. It was most important that as many of the school-going children as possible should be taught in these schools and kept there in their respective classes under the influence of good teachers for a certain number of hours, for the purpose of controlling their vagrant thoughts and emotions. With

our increasing resources, we should spend a larger sum than we did upon the education of the people.

As regards the facilities which the masses of our people had for indulging in drink for want of sound knowledge and good association, he could only say that, turn wherever one might, there was on almost every road of the country a series of taverns which enabled the people to frequent these places and to indulge in drink. In addition to the licensed system of the sale of arrack and toddy now pursued by the Government, there was a vast illicit sale of arrack going on. The Government should endeavour to restrict not merely the illicit sale but also the licenced sale of arrack. It was no doubt a very large and difficult question, but the time had come for grappling with it. It was not only men who had habituated themselves to drink, but a large number of women too, a thing unheard of in past years. Except for the facility afforded by the Government in the establishment of these taverns, we should not be seeing such cases of drunkenness so frequently.

While dealing with this question, the Government should take in hand the question of prison discipline and diet in our jails. It was very well known to Honourable Members, and all others outside this Council who have devoted any attention to the subject, that the prisoners in our jails were much better off than in past years, that is, they were more cleanly clothed and better fed and housed than the people from whom the criminal classes were largely drawn. The labour in the jails was not severe, there was no isolation in jail, and there was much out-door work, which enabled the prisoners often to meet their friends and relations outside the w lls of the jails, and even to smuggle into jail luxuries which they desired to have. Now the criminal classes were aware of the fact that the jails were being conducte1 liberally, and that the prisoners enjoyed comforts which they never possessed in their own houses. Prisoners had assured their relatives in the villages that they should not be anxious about them, for the prisoners prayed that their families in

the villages should be as comfortable as they were in the jail. So long as this far too liberal system was continued in our jails, imprisonment must lose its deterrent effect upon the people who were prone to indulge their passions and low desires.

In connection with the punishment of criminals, it would be well to sanction public whipping in serious cases in the very villages where the offences were committed. It may be asked why His Excellency had not placed in the Bill a clause or two enjoining public whipping and severe dieting. The reason was because the Secretary of State would not permit these forms of punishment. The present system of prison discipline and diet was the outcome of a Commission which sat many years ago. It decided the question upon principles which apply to European countries. The present diet of Ceylon was said to be far more liberal than that of India.

He would endeavour in Committee to help the Government to produce a more satisfactory scheme for the repression of the offence of stabbing.

ON THE ORDINANCE PROVIDING FOR THE MEDICAL WANTS OF LABOURERS.

(5TH NOVEMBER, 1890)

On the 15th of October, 1890, the Colonial Secretary (Sir Noel Walker) moved the first reading of a Bill which aimed at making better provision for the medical wants of labourers in the Island. He explained its objects and reasons. At the second reading on 5th November, he said that the Bill was the outcome of an understanding between the late Governor (Sir Arthur Gordon) and the planting community, and the present Government felt bound to proceed with it in pursuance of this understanding. The Government must insist that the Civil Medical Officers should visit the estates occasionally and this practice could not be abolished.

The Hon'ble Dr. P. D. Anthonisz (the Burgher representative) submitted that there should be free treatment in Government hospitals for all day and monthly labourers in towns as well as in villages and in the planting districts.

The Hon'ble Mr. T. N. Christie (the member for the European planters) said that, when it was proposed to do away with the duty of a medical man visiting a labourer in case of serious illness on the estate, and to substitute for this system compulsory attendance at the hospital, he was very much surprised. The planting community asked the Government to continue the practice of sending up a medical man to the estates on payment of a certain fee. He objected to the second reading of the Ordinance and would ask the Government to withdraw it.

Mr. G. T. M. O'Brien (the Auditor-General) said the Principal Civil Medical Officer, who was the responsible adviser of Government on all questions of sanitation, strongly objected to his officers going to the estates and treating the coolies there, and that the planters should induce the coolies to go to the Government hospitals and be treated there at but a small fraction of the cost to the general tax-payer.

MR. RAMANATHAN said :—

My want of appreciation of the present Bill, Sir, is due to reasons other than those which have been maintained by my Hon'ble friend who represents the planting community. His reasons are concerned with the European planters and their coolies, but my reasons apply to the condition in which the low-country planters are situated. As my Hon'ble friend has no opportunity on the present occasion to reply to the Hon'ble the Auditor-General, I thought it right to make a few notes of the arguments of the Auditor-General in order that I may answer them.

One of his principal arguments appeared to me to be that the planters were very fortunate in being supplied with

hospitals all through the planting districts, and favoured as they were in this respect, he asked, was it reasonable that they should expect the additional favour of casting upon the Medical Officers the duty of visiting patients on the estates? I do not think that this is a favour to the planters. The planters have paid as much as Rs. 100,000 for the establishment of this scheme, on the express condition that the Government would grant them certain privileges, and I do not understand how it could be considered a favour if, in terms of the agreement, they expected the Government to carry out their part of the stipulation. It is true that, in addition to the Rs. 100,000 more or less contributed by the planters, the Government have also contributed about Rs. 60,000, in aid of the Medical Aid Scheme. Is such a contribution undeserving, considering that the country as a whole profits so much by the exertions of the planters?

The subject, Sir, came on for discussion before this Council, I remember, once in 1879, and then I felt it my duty to emphasize the opinion that under the circumstances of the country it was nothing but fair that the Government and the planters should share alike the expenses of this scheme. My words then were:—

> The Government ought not to grudge the expense which the scheme would involve. The coolies represent labour and the planter's capital, and the joint result of these two elements have contributed greatly to the prosperity of the Colony. By the labour of the coolies the planters have been as much benefited as the Colony itself. Why should the planters bear all the expenses themselves?

Mr. Downall, who occupied the seat which my Hon'ble friend occupies today, then said, that he was glad to hear the liberal views of the Thamil member, that I had suggested rightly that the Government should join the planters in providing Medical Aid, and that it was worth considering whether, if the scheme was so expensive that it could not be worked by a small duty on certain products, the Government should not come forward, because their interest in the welfare of the immigrant labour of the Colony was equal to that of the planters. That being so, Sir, it was satisfactory to me to find that in the end the Government veered round to

the proposition that I asserted in 1879. They have yearly. without demur, contributed about Rs. 60,000 in addition to about Rs. 100,000 found by the planters. As no special contribution is being made by the general public towards the maintenance of the General Hospital, I ask, where is the favour which my hon. friend the Auditor General has said exists at the present day? I therefore, submit, Sir, that his argument is not sound. The planters now have a system with which they are completely satisfied, and they pray that Your Excellency will be pleased to continue that system under which they and their coolies have profited so much. Why should they be deprived of it? Because Sir Arthur Gordon chose to give them what he thought a boon? My hon'ble friend the planting member has explained that, upon examination of that boon, it was found to be no boon at all, and so they prefer to keep the existing system.

So far, as regards the arguments which have fallen from the other side of the table, I now come to my side of the case, the case as regards the low-country planters. In speaking of the low-country planters I do not speak for the European planters who are engaged here, but on behalf of the native gentlemen who are deeply interested in this subject. I recognise, Sir, fully the good intentions of your great predecessor in framing this Bill, having in view the extension of the benefits of medical treatment to the Thamil and Sinhalese labourers alike. The existing system was intended only to reach the immigrant labourers, that is to say, the Thamil coolies, and Sir Arthur Gordon thought it was anomalous in the highest degree that the Sinhalese labourers should be denied the advatages of the aid they had given in these hospitals. One of the principal reasons for bringing forward this scheme was to have done with this anomaly, and in order to remove this anomaly he thought it right to impose upon the employers of Sinhalase labour the duty of providing medicine and medical attendance in the same manner as planters up-country are bound to do in the case of their Thamil coolies. Removal of anomalies is desirable. But in the

present case there is no real anomaly, for the conditions under which the low-country planter lives are very different to the conditions under which the up-country planters live.

Let us consider for a minute why this Medical Aid Scheme was instituted in the year 1872. There was a series of immigrant hospitals along the northern road, from Mannar down to Kandy, and central hospitals were also established by Government and worked at their own expense; but it was found that in the progress of years the plantations grew in numbers and in different directions, so that it was impossible for these plantations to be benefited by the central road hospitals, and it also happened that the planters and the labourers settled down in a country which was practically unoccupied by the natives of the island. Under these circumstances, the medical treatment of Thamil coolies was difficult to carry out as vigorously as the planters themselves would have liked to do, and there were cases of hardship. In view of these special circumstances, the Government of the day found it necessary to interfere and organize an effective system of treatment as regards Thamil coolies. The system was organized solely for the benefit of the planters up-country and their coolies, and it was considered right on that occasion that they should be called upon to undertake the whole expense.

Now, Sir, so far as the low-country planters are concerned, it is obvious that none of these circumstances, which created the Medical Aid Scheme, apply to them, and I do not think it right that they should be called upon to pay for it. I have calculated that in 1888 there were about 4,200 estate coolies treated in the hospitals, the district hospitals, and so on; and as the planters contributed as much as Rs. 98,000, it really means a taxation of Rs. 23 per cooly per year. It is now proposed that Rs. 23 per cooly per year at least should be levied from the low-country planters.

I wish to know why the low-country planters should be called upon to pay this charge? In the first place, they do not get down Thamil coolies from India, neither do they have them as a rule on their own estates, neither do they expect

the coolies they employ to work from day to day and give them their entire services to the exclusion of any other master. It is very well known, Sir, that in the low-country, which is comparatively thickly populated, the labourers are generally the small land-owners who own land in the neighbourhood of their estates. The checkroll is called in the morning and any labourer who happens to be present on the estate, having come from outside, is entered in the checkroll and he works for the day. If necessary, he may leave the estate after half a day's work or even less. He goes or comes, as he likes, to the estate. On the following day, he may even go and work on another property without giving any reason whatever for not continuing the work that he had undertaken. Of course, he gets weekly payments for the number of days that he is at work, and his accounts are settled monthly, bi-monthly, or at the end of three months. There are, no doubt, some estates in this part of the country which are conducted by European gentlemen, where the same system that prevails up-country is maintained, that is to say, that the coolies, especially Thamil coolies, are housed there and treated as monthly servants on the estates in question; but nothing of this system, or rather very little of this system, prevails in this part of the country; and what is more, Sir, our estates in the low-country are far more favoured as regards medical attendance and medicine than the estates in the up-country for this reason, that those in the up-country are isolated and are almost beyond the reach of the central hospitals, whereas the estates in this part of the country lie, few and far between, amidst fairly thickly populated districts, and have the means of being attended to by the native medical men. They do not labour under a deficiency of medical advice here, for as a matter of fact, except in great epidemics of fever and so on, I do not think that the Government trouble themselves about the curing of the sick in the low-country. They have, I believe, their hospitals there—27 hospitals

throughout Ceylon—and people do go there now and then, and dispensaries are established when epedemics break out and people resort to them; but as a rule the people of the country are treated by their own medical attendants, and this is especially so in what I may call the non-planting districts. That being so, Sir, I ask, is it fair to expect low-country planters to pay as much as Rs. 23 per cooly per year, which is the sum which the Government expects the up-country planters to pay? I do not think this is fair, Sir.

Here in the low-country, take for instance the country along the line of railway from Colombo to Rambukkana, there are a number of estates which have been opened during the past 10 or 15 years, but I venture to say that such estates are not many, comparatively speaking, and they lie at a great distance from each other, and in such a country you necessarily find not only the labourers who frequent the estates, but a large class of what I may call the well-to-do population, such as traders, professional men and rich small landed proprietors. If it is fair that estate owners in the low-country should pay their contribution towards their medical scheme, why is it not fair that these well-to-do traders, professional men, and small landed proprietors should also be called upon to pay this tax? I think, Sir, that as it is not contemplated by this Bill to affect the traders, professional men and small landowners, the Bill is extremely invidious, and I therefore submit that Your Excellency ought not to press this Bill through Council.

In view of the reasons urged by the hon. the planting representative and the reasons I have urged on behalf of the low-country planters, I think it is a measure which may well be withdrawn.

[H. E. Sir Arthur Havelock, after a pause, said the Council would be glad if some other members explained their opinions with regard to the second reading of the Bill. After hearing the Hon. Messrs. W. W. Mitchell, T. B. Pannaboke, A. de A. Seneviratne and Abdul Rahiman, he permitted the Colonial Secretary to withdraw the Bill from the Council.

ON THE SUDDEN DEATH OF H. R. H. THE DUKE OF CLARENCE AND AVONDALE.

(20TH OF JANUARY, 1892.)

A special meeting of the Legislative Council was held on the twentieth of January, 1892, for the purpose of considering a vote of condolence on the death of His Royal Highness the Duke of Clarence and Avondale, K. G.

The Hon. the Colonial Secretary, Sir E. N. WALKER. K. C. M. G., moved a resolution expressive of the Council's deep feeling of respectful and dutiful sympathy with her Most Gracious Majesty the Queen Empress and their Royal Highnesses the Prince and Princes of Wales, and with the rest of the Royal Family, in the calamity which they as well as the Empire had sustained.

MR. RAMANATHAN seconded the motion on behalf of his Unofficial colleagues.

MR. RAMANATHAN said:—

There can be no doubt, Sir, as to the propriety or usefulness of the motion which His Honour the Lieutenant-Governor has so feelingly submitted to the consideration of the House. As observed by him, profound grief is too sacred to be disturbed by thoughtless intrusion, but who does not know the wonderful efficacy of sympathy as a solvent of grief! True sympathy most certainly gives relief. If our feeling is in some degree at least as genuine as that which afflicts the Royal Family, in like degree will it assuage their grief by the consciousness that others too are suffering for the same reason. The wider the sympathy shewn by others, the more tolerable does the bitterness of grief become to the original sufferer. It is true, Sir, that thousands of miles separate us from the Royal Family, but what distance is too great for thought or feeling to reach their destination?

Sir, I am speaking words of simple truth when I say, on behalf of my hon. colleagues on this side of the House. that the news of the death of His Royal Highness the Duke

of Clarence and Avondale came upon us with a terrible shock, from the effects of which it will take many a long day still to free ourselves.

His claims on our regard and affection are not founded simply upon the fact of his being the grandson of the greatest and noblest sovereign whom the world has seen in modern times; of his being the son of a Prince and Princess whose love and devotion to the people are an example to all others; of his being the heir apparent to the throne of Great Britain. They are founded also upon our knowledge of the singularly good and useful life he lived, and of the personal acquaintance which some of us had the good fortune to make with him, when he and his brother graced this Island by their presence. From these causes we learned to think of him as one very dear to us and the Empire, and our interest in him was further enhanced by the circumstance that he hoped to lead to the altar a beautiful Princess who was in every way qualified to become our future Queen.

In the midst of the rejoicings consequent upon the betrothal and of the congratulations which flowed from all parts of the world, it has pleased Providence to summon him away from earthly scenes, leaving his bride, his parents, and the other members of the Royal Family in the deepest anguish and most of the nations of the world in great sorrow, and I do not think, Sir, that the nineteenth century has seen worldly prospects more glorious vanishing with greater suddenness and significance. The world is vain indeed, and nothing but the solace of religion,—of faith in the wisdom and mercy of God,—can calm the turmoils of the heart in such distressing circumstances.

It remains to say, Sir, that the motion which His Honour the Lieutenant-Governor has so feelingly moved and which I have striven to second, is intended to be cabled to Her Majesty and to the Secretary of State for the Colonies for submission to our Most Gracious Queen, Their Royal Highnesses the Prince and Princess of Wales, Princess Mary; and the other members of the Royal Family.

ON THE ORDINANCE PROVIDING A SANITARY RATE IN CERTAIN LOCALITIES.

(14TH AND 21ST SEPT., 1892.)

By the Ordinance No. 10 of 1852 Boards of Health were created, and by a subsequent Ordinance No. 15 of 1862, power was given to them to make by-laws for the preservation of public health, and to take cognizance of certain offences described as nuisances. Since the introduction of Municipal Councils and Local Boards, the Boards of Health, said the Government Agent, C. P. (Mr. P. A. Templer), had been in a state of suspended animation, and it would be useless to recall them to life without providing them with funds wherewith to give practical effect to the authority with which they were clothed. He moved the introduction of an Ordinance to make provision for the imposition of a sanitary rate in certain localities situated mainly along some public roads which required to be kept clean. It was thought by Government that the rates levied under the Ordinance should be administered wholly by an Official Board appointed by H. E. the Governor. The first four clauses of the Bill enjoined this policy, and the remaining clauses were reproduced from the Local Boards Ordinance. They provided the machinery for working the small townships in a sanitary way.

MR. RAMANATHAN said:

Sir, this Bill practically proposes to establish a land tax at the rate of 4 per cent., and to deliver the proceeds of the taxation to Government Agents, who are euphoniously called "Boards of Health" in this Bill. Why, Sir, it was believed that the millennium of politics had arrived when we had disposed of the grain taxes; but with the appearance of this Bill we see that the demon of taxation is still triumphing There can be no doubt about this Bill imposing a land tax in Ceylon, and a very general land tax too, because by the 5th clause of this Bill a provincial Board of Health is authorised:

"to make and assess, with the sanction of the Governor and Executive Council, any rate or rates on the annual value of all houses and buildings of every description, and all lands and tenements whatsoever within any town or village brought under the operation of this Ordinance, and situated within the province for which such Board of Health is constituted. Such rate or rates to endure for any period not exceeding twelve months. Provided that such rate shall not exceed the sum of four per centum on such annual value."

Now, Sir, we have some experience of how villages have been brought under the operation of the Village Councils Ordinance. By Your Excellency's own proclamation of 24th September, last year, no fewer than about 700 villages were brought under the Village Committees Ordinance of 1889, so that it is exceedingly possible, if the Bill before us is passed, that we may see a large number of villages brought under the influence of the new ordinance from time to time. So long as Your Excellency is at the helm of affairs I have no doubt that you will not proclaim the Ordinance as generally as we fear; but what about Your Excellency's successor? He may lose sight of the intention of the past Government and give effect to the Ordinance in a very sweeping way. I feel therefore that on principle I ought to oppose this Ordinance on the ground that a general land tax is not at all expedient for the purposes contemplated by the Bill.

I learn, from the speech which the hon. the mover made last week, that large sums of money are not wanted to give effect to this Ordinance; in fact, he described the sums wanted as small. I am anxious to know whether a Bill of such pretensions as this is necessary for the purpose of authorising the Government of Ceylon to pay a small sum of money for the sanitary purposes in question. Is not the Government of Ceylon now possessed of revenue flourishing enough to bear the strain of the small sum which my hon. friend who sits opposite (the mover) referred to in his speech?

A consideration of the objects of the Bill lead to the same conclusion, that a special tax under present circumstances is not necessary. The object of the Bill appears to be the collection of rubbish, providing places for the deposit of filth, inspecting drains, latrines and unwholesome tanks, and seeing to huts and buildings that are dilapidated, overcrowded and unclean. I assure you, Sir, that there are no other purposes appearing on the face of the Bill than these. I have summarized all these clauses in these few words. And we are told that a 4 per cent. land tax is absolutely

necessary for realizing these trumpery and trifling objects! They are not very onerous, and may be entrusted to the Village Councils. In fact, Sir, I took the trouble to go through the village rules, and find that the Village Councils have drafted rules of various descriptions for carrying out the very purposes named in the Bill. I cannot comprehend for what other purposes Village Councils exist than for such as are shown in this Bill. I submit that, if money is required for such purposes, the communal funds of the Village Councils may be made to be quite equal to the charge; but if the communal fund is not equal to it, I desire to know, whether Village Councils have complained to Government of the want of funds. If they have so complained, then why does not the Government hand over the fund proposed by this Bill to the Village Councils, but would hand it to Boards of Health, in other words, to the Government Agent of each Province?

Is it really necessary that villagers should be looked after in this manner by two Boards simultaneously? Are they not sufficiently ridden already by the Village Councils? Is it necessary, now, that they should also be ridden by Boards of Health? I do not speak, Sir, of the third power that rides them, that is to say, the Nuisances Ordinance of 1863 and the Penal Code. I may refer to it later on. If however the Village Councils have not called for funds, then I ask what is the reason of this Bill? It may be said that this Bill does not intend to deal with villages which are not already within the purview of the Village Councils. Then I take it that the Bill can apply to only three kinds of localities: first, to places which have not had Local Boards given them already for some reason or another, places like Jaffna or Moratuwa, for instance. Your Excellency will remember that Ordinance No. 9 of 1887 empowers the Governor to bring any town or towns, whether mentioned in the schedule of the principal Ordinance or not, under the operation of the Local Boards Ordinance of 1876. It is therefore within Your Excellency's power, if there are towns and places which deserve the institution of Local Boards, simply to proclaim such towns under the Ordinance

No. 9 of 1887. I enquired yesterday at the Secretariat whether, since the passing of the Ordinance, any such proclamation had been made in the Island. I have not yet received any information on that point. I believe it was whispered in the office that the Ordinance, so far as that clause went, was a dead letter. Well then, it appears that, notwithstanding the facilities afforded by the Ordinance No. 9 of 1887, there are not at present any places worthy of possessing Local Boards, other than those places which have been given that organization already. The Bill, therefore, cannot be said to apply to such places.

Let us next see whether it may affect places in which Europeans and Burghers reside. Such places are excluded from the operation of the rules of Village Councils. Do the framers of the Bill mean to collect a sanitary rate of 4 per cent. from such places? Most of these places are obviously in the planting districts, and I wish my hon. friend who represents the European planters, Mr. Kelly, was in his place today to deal with this part of this question. He has written to me that he is unavoidably absent. The hon. mover thinks that there is only one clause to which the member for the planting community can object, the 26th clause, relating to the carting away and sale of manure. But what about the 10th clause? There are hundreds of estate owners, Europeans and natives, in the planting districts who have to build huts, and other classes of buildings, and are they to be compelled to obtain special permission from the Provincial Board to put up every building they may require? If such permission is not obtained beforehand, the Board may pull down the huts and lines erected. Why all this interference? Where is the occasion for it? Till it is shown that the places owned by Europeans and Burghers are filthy or obnoxious, the land tax called sanitary rate should not be imposed on them.

Then we come to the third class, of places which, it may be contended, require to be brought within the operation of the Bill, that is, places over ten acres in area which are not within the purview of the Village Councils Ordinance. If

that be the idea of the framers of the Bill, the Bill becomes of much interest to a vast number of native gentlemen and other well-to-do people. Ten acre blocks are few and far between smaller blocks, and I do not see why such places should be called upon to pay a four per cent. land tax? For whose benefit are they to pay it? I think they will be quite justified in resisting any such demand.

If the Bill is not required for the three classes of places I have named, nor for the villages under the jurisdiction of the Village Councils, to what other places may it apply? I know of none.

In any case, it appears to me, Sir, that the framers of this Bill have lost sight of not only the Village Councils Ordinance, but also of the Nuisances Ordinance of 1862. Anybody perusing that Ordinance will see at once that the objects contemplated by the Bill may be easily realised by enforcing this Ordinance. A number of acts and omissions are constituted in it as offences under the name of "nuisances," and any one who commits any of the nuisances referred to will be liable to be punished. Why the punitive clauses of this Ordinance have not been enforced more they have been, I do not know. The classes of acts made offences may be judged from the following notes which appear on the margin of the Nuisances Ordinance:—keeping houses and so on in a filthy and unwholesome state; having foul and offensive drains; allowing dung to accumulate; keeping cattle, swine and so on, in a way that is injurious to health; and allowing houses to be in a state ruinous or likely to fall; casting dead animals in streams; keeping coconut husks in an offensive state, and so on. All these are constituted nuisances—the very class of cases contemplated by the present Bill. And then the Nuisance Ordinance provides that the Board of Health may give notice to the owner or occupier of the house or building to abate the nuisance, and if the nuisance be not abated, the man is liable to the penalties of the law. I submit, Sir, that nothing more is needed in the interests of sanitation in Ceylon, in localities

where Local Boards and Municipalities need not be established. I shall call the attention of hon. members to the fifth clause of the Nuisance Ordinance, which empowers a Board of Health to make by-laws with regard to the removal of ashes, rubbish and manure, the covering of drains &c. I wish to know why the sleepy Board of Health, the principal member of which is the Government Agent of the Province, has not risen to the responsibilities of its position and made such by-laws as were required for each province.

I believe, Sir, that we have sufficient machinery in existence already to carry out the objects contemplated by the Bill before us. I do not see why we should go on multiplying ordinances in this manner. Nor do I see any necessity at all for a land tax of 4 per cent. It is clear to me, Sir, that the framers of this Bill have failed to appreciate sufficiently the well known principle of legislation that, if taxes are to be raised for local needs, the persons directly interested ought to have a voice in proposing the taxes, and ought to be allowed to expend the proceeds of the tax tion in a way that suits them or their representatives best. The principle is, no taxation without representation. The framers of the Bill seem to think that taxes for purely local purposes may be raised through the instrumentality of the Legislative Council which knows nothing about the wants and wishes of communities vegetating far away from Colombo; and that the taxes so raised, without consulting the people concerned, may be entrusted for expenditure to men who can in no way claim to be their representatives. I say, Sir, that both upon principle and upon the merits of the case I cannot help raising my voice against this Bill. I move, Sir, that it be read this day six months.

[Though the Hon'ble Messrs. P. D. Anthonisz, W. W. Mitchell, J. P. Grinlinton, M. C. Abdul Ra iman. and A. de A. Senev ratne joined with Mr. Ramanathan in asserting that the proposed Bill was needless and sure to prove oppressive, it was, upon a division, carried by the official vote]

When the Government Agent, Central Province, proposed to refer the Bill to a Sub-committee consisting of himself,

the Auditor-General, the Treasurer and Messrs. Ramanathan, Grinlinton and Kelly, MR RAMANATHAN said :—

The mover says that the intention of the Government is to confine the operation of the Bill to road-side townships. I do not quite understand what the mover means. Perhaps he would give us a definition as regards the area of such towns, their population, and how far removed they may be from the road. Neither do I know how the Bill is going to be amended in respect of such towns. My hon. friend the Government Agent of the Western Province said that he supported the Bill, because it would enable him to overcome the opposition of places like Moratuwa and Panadura. Will the Hon'ble mover insert in the Bill such provisions as may be necessary to prevent the imposition of the Ordinance upon communities or townships which prefer to have Local Boards ?

[The Hon'ble the Government Agent, Central Province :—"I am willing to answer the two questions. A township is an aggregation of substantial buildings in which trade is carried on—I speak subject to correction—and of sufficient importance to justify its being called a town. The defining of its limits will probably be on the most reasonable lines that the Government can devise. It is desired that I should give an instance. Madampe between Negombo and Chilaw, Hatton in the Central Province, and Ambalangoda in the Southern Province are places in which the residential houses border the road, and it is only the residential portion to which this Ordinance is intended to apply. It will apply to roadside townships only. As to the case of inhabitants of towns desiring to place themselves under the operation of this Ordinance, that is of course a matter which will require consideration by the Government.

"If the hon. gentlemen will consent to serve on the Sub-committee, he will be able to obtain the necessary information, which unfortunately I am not able now to give him."

The Council then appointed a Sub-committee consisting of the Auditor-General, the Treasurer, the Government Agent, C. P., and Messrs. Ramanathan, Grinlinton and Kelly.]

When the Report of the Sub-committee was presented to the Council on 16th November, 1892, MR. RAMANATHAN said :—

It will be remembered, Sir, that when this Bill was read on a former occasion I said it was open to the objection that certain clauses as they stood then were capable of being construed as clauses sanctioning the imposition of a general land tax. When we went into Sub-committee I suggested that, if a

schedule were attached to the Ordinance showing what towns or villages in special were intended to be brought within the purview of this Ordinance, it would remove the objection I referred to. Therefore, the Committee thought it right to inquire of Government Agents all over the country and to insert the schedule which we now find appended to this Bill.

Unfortunately, Sir, when the schedule itself came up for discussion before the Sub-committee, I was not able to be present. I received a hurried note summoning the Sub-committee for a certain day, and I found that on that very day I had to keep an engagement at Galle in connection with a case I had to defend. I then wrote to the Chairman of the Committee to say that I would not be able to attend the Committee meeting, but for certain reasons, which need not be entered into, it was found inconvenient that the adjournment of the Committee meeting should be sanctioned. I therefore took no part whatever in the consideration of the villages and towns mentioned in the schedule.

If the schedule is to stand as it is, then it may be assumed that the limits of the towns mentioned here are more or less apparent to the Agent or Assistant Agent, and to the principal inhabitants of the towns. For my part, I would like to remind the Council that at the last discussion I expressed the hope that, if towns were included in this Bill, it should be made possible for some towns at least to find their way out of the operation of the Bill in the event of their seeking to be made a Local Board or Municipality. Now, Sir, I find that a place like Jaffna is included in this Bill. Jaffna by the last Census has a population of 43,000 people and is the second town in the Island. Moratuwa, which is also included consists of about 19 villages and has a population of about 25,000 people; and I see nothing in the Bill making it compulsory on the part of Government to grant the application of the inhabitants of such places as Jaffna and Moratuwa for the establishment of a Local Board or Municipality.

H. E. the GOVERNOR:—Does not clause 4 satisfy you?

MR. RAMANATHAN:—I do see, Sir, in clause 4 that it shall be lawful for the Governor with the advice of the Executive Council to exclude from the operation of the Bill any town that may be brought within the operation of it; but, Sir, such an application only empowers the Government to grant the application or not, as it sees fit.

It is really absurd that towns like Jaffna and Moratuwa should go without a Local Board in the event of the inhabitants of those towns applying for one, and it being within the power of Government, who are more or less guided by the Government Agents in whose provinces such towns may lie, to grant such applications or not. What I wanted was that those applications must be necessarily granted; and in that respect, I find no regulation in this Bill. Next to definite legislation on the subject, I can only hope to obtain from Government a promise that, in the event of Jaffna or Moratuwa or places of such importance asking for a Local Board or even the higher institution of a Municipality, it will be granted as a matter of course, because it is most important that towns of such consequence should be necessarily granted such applications.

I understood from the Chairman of the Committee that this Bill ought not to cover any towns or villages with more than about 2,000 or 3,000 people. That was obviously the intention of the framers of this Bill, but now it is made to cover towns of such importance as Jaffna, Moratuwa and so on. I shall be glad indeed, Sir, if a clause to the effect I have mentioned cannot be introduced into this Bill, to have an assurance from Government that places like Jaffna, Moratuwa and others will be granted as a matter of course on application for a Local Board.

Another point I wish to submit is this. In the schedule for the Western Province I find the names of Avisawella, Hanwella and Panadura. Avisawella, as a matter of fact, pays 5 per cent. as Police tax, Hanwella 5 per cent. and Panadure 5¼ per cent. In addition to that we are going to have a maximum of 4 per cent., raising the total taxation to

19 per cent. in the case of these three towns. In Colombo, the Municipality recovers about 11 per cent. Passellawa pays at present $7\frac{1}{2}$ per cent., and in addition to that we are to have a Sanitary rate which would make it even higher than that imposed in Colombo. There must therefore be the greatest caution observed in the fixing of the Sanitary rate, wherever there is a Police rate also enforced.

[The Colonial Secretary pointed out that there was provision in the Ordinance for altering the limits of township from time to time, and that, if through want of knowledge any hardship arose, it could be remedied.

As regards clause 7 in the amended draft which provided that the rate should not exceed 4 per cent. per annum, it was conceded by Government that the case of each township will be considered in regard to its peculiar circumstances. Where more than $2\frac{1}{2}$ per cent. is not necessary, it will not ask it, but the maximum could not be reduced lower than 4 per cent. On a division on the point, as to whether $2\frac{1}{2}$ per cent. should be substituted for 4 per cent., the amendment was lost by 5 to 12.]

PENSIONS FOR THE OFFICERS OF THE RAILWAY DEPARTMENT.

(5TH OCTOBER, 1892.)

MR. P. RAMANATHAN:—I rise to move, Sir, that in the opinion of this Council it is desirable that the whole Railway Department without distinction should be granted a claim to pension at the full rates awarded to the ordinary Public Service, but with a provision that all persons of whatever grade shall continue as heretofore to be liable to summary dismissal, suspension, or reduction by the local Government for inefficiency or misconduct.

This motion, Sir, has been necessitated by the papers which Your Excellency was kind enough to table some time ago by way of a message to the Legislative Council. The question has been under consideration, more or less, during the last 25 years, and it is now ripe for settlement. It is stated by some members of the Executive Council, who have considered the question very carefully, that the Railway Department enjoys certain advantages over other departments of the service in regard to pay, including periodical increments and the prospects of promotion, and that, therefore, their pension privileges should not be on a par with those granted to officers in the Provincial, Judicial, or Miscellaneous Departments.

The Hon. the Auditor-General (Mr. T. G. M. O'Brien) who is now Acting Colonial Secretary, has drawn up a statement which also appears in the file of papers which Your Excellency tabled, and I must say it is an ingenious document. According to him, taking stock of the officers entitled to pension since 1870, it appears that there were 64 Railway officials drawing on an average Rs. 882 per man, and that in the Customs Department there were 70 such officers drawing Rs. 809 per man. It is therefore concluded that the Railway has the advantage of Rs. 73 per man; and then

we learn that the increment in pay during 21 years appears as follows:—In the case of the Railway, Rs. 742 is found to be the average pay in 1870, and it rose in 1891 to Rs. 1,566, showing an increase in the interval of 21 years of Rs. 824; while in the Customs, Rs. 686 was found to be the average pay in 1870, and it is found to have risen in 1891 to Rs. 1,407, showing an increase of Rs 719. The advantage on this basis of calculation is also said to be in favour of the Railway; but, of course, Sir, the calculation as shown by the averages is not so sufficiently pronounced as to render striking the disparity between the figures, to say nothing of the duty of making comparisons class for class, and of the principle of all other things being equal. For instance, the Accountant of the Railway Department contends that a comparison cannot be based on length of service, because the higher officials of the Administration Department, are imported as trained men; whereas the officers of the Civil Service begin their career in the service of the Government. That is an important truth to be remembered when average accounts are had in view. Unless the comparison is made class for class and *caeteris paribus*, the results will be found to be very misleading.

The doctrine of averages is good in its way, but is in many respects misleading, owing to the difficulty found in determining all the particular circumstances of each case. We have a good example in the papers I now hold in my hands. For instance, in the case of a salary of Rs. 1,500, it is found in the Railway Department that it takes 18 years to attain to that salary. Now turn to the Miscellaneous Departments, which include the Secretariat, the Treasury, the Audit Office, the Public Works Department, the Master Attendant's, the Collector of Customs, the Medical, the Police and the Colonial Store, the same sum of Rs. 1,500 is found to be gained in 18 years, so that the Railway Department and the Miscellaneous Departments are found to be on a par. But turn to another figure, say a salary of Rs. 1,100. In the Railway Department, it takes 17 years to reach that figure; while in

the Miscellaneous Departments, it takes 13 years only. The advantage is with the Miscellaneous Departments. Then in the case of the salary of Rs. 800, the Railway Department seems to have the advantage, but the explanation given is that in the case of some of these salaries new men have come into the department, who have thus thrown out of calculation the rules as to averages; so that, Sir, I do think that, however ingenious the statement made by the Auditor-General may be, it is a system of calculation which this Council ought not to accept as final. I do not wish to speak of the salaries drawn by drivers and guards of the Railway Department because, if they are handsomely paid, it must also be admitted that their responsibility and personal risks are specially great.

I therefore fail to follow such of the members of the Executive Council as are of opinion that only three-fourths of the usual rate of pension should be allowed to the officers of the Railway; and considering that the Police, the Scientific Departments and the Forest Department have been given full pension rights, I see no reason why the Railway, which is one of the most paying departments in the Service, should not be placed on an even footing with the departments I have mentioned.

I feel sure, Sir, that the warmest thanks of the Railway Department are due to Your Excellency for grappling with this very difficult question. It was supposed—in fact the Secretary of State himself had thought—that a convenient settlement of the question might be made by awarding a full pension to the indoor branch of the Railway Department and a three-quarter pension to the outdoor branch; but Your Excellency pointed out that a distinction of that kind was not desirable in the interests of efficiency, and said that such a distinction would produce much heart-burning and trouble in the Department, and Your Excellency therefore justly thought that the best method of settlement was to introduce a uniform system of pension. I am glad, Sir, to find myself able to support your view on a careful

consideration of the merits of the question, and I feel sure I am expressing the wishes of the Railway Deparment when I say that they will be most pleased if Your Excellency, after listening to hon. members on this side of the House, would recommend the wishes of the unofficial members of the Council on this point, and secure for the Railway Department what they are undoubtedly entitled to at the present day.

ON THE DEATH OF SIR SAMUEL GRENIER, ATTORNEY-GENERAL OF CEYLON.

(2ND OF NOVEMBER, 1892.)

The Hon'ble the Colonial Secretary, SIR E. N. WALKER, moved:—

"That the members of the Legislative Council of Ceylon desire to record their deep feeling of regret at the death of Sir Samuel Grenier, Attorney-General of the Island, and member of this Council for seven years after an already long and useful public life, their appreciation of the qualities of heart and mind which he so eminently and so largely possessed and practised in this Chamber, and in all his relations of life, as well as their sense of the loss which they, in common with the whole community, have sustained by this sad event.

"That they offer to Lady Grenier and the family of their deceased colleague their sincere condolence in the calamity and sorrow which have fallen on them with such special severity."

In seconding the motion, MR. RAMANATHAN said:—

It falls to me, Sir, as the senior unofficial member, to second the motion which His Honour the Lieut-Governor has so feelingly commended to the attention of the Hon'ble members. I can only echo his sentiments and say that Sir Samuel Grenier's services to this Council and to the country generally have been of the most valuable description. Born and bred in this country, he had an intimate knowledge of the customs and practices of all the races which inhabit the island. He knew also the aims and resources of the leaders and lieutenants of each of those races in almost every centre of population, and was moreover familiar with the connecting valves through which opinion and power were transmitted from one point to another. He was therefore able, in a degree not to be excelled by others, to gauge fairly the wishes and wants of the peoples, and to estimate nicely the amount of opposition which he might have to meet in the prosecution of the measures recommended by him. He was therefore known to be a tower of strength to the Government, and a caution indeed to its opposition, whether in or out of Council. What then, Sir, shall we say of him, when, in addition to such

invaluable local knowledge, he possessed in abundance, that cool judgment, that elastic temper, that far-seeing intelligence, that capacity for work and attention to details, and that indomitable energy, which are absolutely necessary for effective generalship in any walk of life. His talents were not these only. His knowledge of the land was broad and deep, and his powers of statement and debate high. When such qualities were found to thrive on a foundation of kindness, conciliation and integrity, it is no wonder that his claims to the esteem and even affection of the Sovereign and the people were held to be irresistible.

I am sure, Sir, that my Hon'ble friends on this board will all admit that the sad event which we are deploring today, publicly and officially, is one of the greatest losses which have befallen the Council, and therefore the country.

If our loss is so great, measured by our knowledge of his mental and moral qualities gathered mainly in the course of business relations, how great must be the loss of Lady Grenier and her family? It is not for me to intrude on their grief. The Council being in session, it is our duty to tender to Lady Grenier and her family our heartfelt condolence with them, and to place on record the eminent services which he has rendered to the Government and the country generally.

ON THE DANGERS OF TOO SUMMARILY HEARING AND DISPOSING OF POLICE COURT CASES.

(16TH OF NOVEMBER, 1892.)

With the view of simplifying the procedure in the investigation of, and facilitating the trial of, petty cases, H. E. the Governor Sir Arthur Havelock caused an Ordinance to be prepared by the Acting Attorney-General (Mr. C. P. Layard) in the absence of Sir Samuel Grenier, who was on leave, empowering Police Magistrates to try certain offences in a summary way.

The first reading of Mr. Layard's Bill was moved by Sir Samuel Grenier, on 14th September, 1892, on his return to the Island. He explained that these offences meant a class of cases which were covered by clause 1 of the Bill, and in which the sentence passed was so limited by clause 2 as not te allow an appeal except on a matter of law or with the leave of the court; and that in the trial of such cases it was not necessary for the Magistrate to record the evidence of the witnesses, or to frame a formal charge; that he was to make an entry of the particulars specified in clause 3; and that this summary procedure was not to be adoptod by every Police Magistrate, but only by such Magistrates as might specially be authorised by the Governor in Executive Council after consultation with the judges.

Before the day fixed for the second reading of the Bill, Sir Samuel Grenier died (on 30th October), and Mr Layard as Acting Attorney-General moved the second reading of it on the 16th of November. He described the course of procedure which Police Magistrates were obliged to adopt under the Criminal Procedure Code in the trial of what he called trumpery and trivial cases. He said:—

"A person is charged with being drunk and disorderly or with having committed a nuisance. The Police Magistrate has, in the first instance, to explain to him the nature of the offence with which he is charged. He has then to ask him whether he claims to be tried or not. On that the accused may make any statement he chooses. Should he make a long and rambling statement, the provisions of the law are that the Police Magistrate should record at full length the statement made in respect of the person who is charged with, perhaps, having committed a nuisance. After that statement is made, if it appears that the accused claims to be tried, the Police Magistrate has to hear the evidence. for the prosecution, of each of the witnesses including the examination-in-chief, the cross-examination, and re-examination of the witnesses. He has then, if he is of opinion that an offence has been committed by the accused, to call upon him to make the statutory statement. That statement may probably be longer than the first one made by the accused, and the Magistrate has to record it at full length; and if the accused wishes to call evidence for the defence, the Magistrate has to record verbatim the examination-in-chief, cross-examination, and re-examination of each of the witnesses for the defence. After the whole of this procedure has been taken, the Magistrate probably fines the accused or discharges him, and tells the policeman to take him out of Court. The result of all this is that the valuable time of the Magistrate is consumed in hearing the most trivial cases, and that cases where the accused are charged with more serious crime are frequently postponed from day to day."

MR. RAMANATHAN said :—

I am glad, Sir, that I have had the opportunity of hearing my hon. and learned friend's exposition of the subject now before the Council, as I now see his standpoint of view much better than I did before. He need not have appealed to the hon. the Kandyan member's experience to prove his contention that the existing criminal procedure is very cumbersome and unsuited to the requirements of the country. Had he turned to the proceedings of this Council in 1883, had he consulted the pages of the local *Hansard* for 1883, he would have found that almost all the unofficial members had opposed the passing of the Criminal Procedure Code, on the ground that it was far too complicated. It had been drafted during the administration of Sir James Longden, but neither the draftsman of the Code, Sir Bruce Burnside, nor the Governor who accepted the responsibility of it, was in Council when it was being carried through Council. It fell to Sir John Douglas to undertake this duty conjointly with Mr. Fleming, both of whom avowed themselves on many occasions to be unequal to the task of justifying its provisions, without reference to the framer of the Bill. Consequently, the Code was passed by the sheer weight of the official majority, who paid no heed to the opinion of the unofficials that the machinery of the Code was as cumbersome as it was unnecessary. I am therefore quite agreed with my hon. and learned friend that it is most desirable to amend and simplify the Criminal Procedure now in existence.

But does he pretend to say that the Bill now before us does away with, or modifies in any respect, the complicated provisions of the Code? It professes indeed to empower Police Magistrates to "try certain offences in a summary way," but beyond that profession it does very little. What it does is to relieve Magistrates of a great portion of the mere manual labour of writing out the proceedings had in each case. It does not dispense with a single step of the cumbrous procedure itself.

My hon. friend challenged me to deny that the Code was cumbersome. I admit it unreservedly, and ask him in return to shew me how he has simplified it. Let him put his finger on any of the six clauses of this Bill and point out wherein it is that he has attempted to repeal or modify a single step of the cumbrous procedure we all complain of. Sir, he cannot do it. It is not a summary procedure Bill at all, but a Bill to relieve Magistrates of the labour of recording the facts necessary for a proper consideration of the case. Instead of attempting to simplify the procedure, my hon. friend has helplesssly, aye ruthlessly, laid the knife at the very foundation of those safeguards which ensure the regularity of judicial proceedings and secure the liberty of the subject. Hon. members need not be surprised to hear that this is the trend of the Bill. They should not be led away by the story in the preamble that it is a summary procedure Bill, even as I and my hon. friend who represents tho Sinhalese (Mr. Seneviratne) were misled by those delusive words. It took us ninety minutes to comprehend the real purport of the Bill. My hon. friend the Attorney-General would miss the stand-point of the Bill if he denies that, far from simplifying the procedure, it relieves Magistrates of the manual labour of writing only. The second clause of the Bill is explicit. It says: "In trials under this Ordinance, the procedure prescribed in the Criminal Procedure Code 1883 .... shall be followed, subject to the provisions hereinafter contained;" and what those provisions are, appear in clause 3, which provides that "the Magistrate need not record evidence of the witnessess or frame a formal charge." It will therefore be apparent that the Bill perpetuates the cumbrous procedure of the Code but dispenses with only the labour of recording the evidence of framing a formal charge. My learned friend has been going to the unofficiel members giving personal explanations, and trying to win them over to his side. That is what each of us does, but

unfortunately we are not all lawyers. While the Government must be content to be advised by the Attorney-General, our colleagues can only appeal to the Sinhalese member and myself.

If the trend of the Bill is as I have stated it, the issue is narrowed to a single point: should we, in the interests of the regularity of judicial proceedings and of the liberty of the subject, do away with the safeguards offered by the system of recording what is necessary to be recorded, or should we give to each Magistrate a clerk who knows short-hand to take down the proceedings which the Magistrate is obliged by the Code? It is not difficult to answer this question, considering that it is the intention of the Government to give the privilege of not recording the proceedings in full only to three Magistrates, viz: those of Colombo, Galle and Kandy. Three short-hand clerks at Rs. 75 a month would cost no more than Rs. 2,700 a year. Can it be said that this Council would prefer to see judicial proceedings drifting into gross irregularities and the liberty of innocent subjects endangered by hasty or slovenly trials, rather than to vote Rs. 2,700 for the maintenance of a few short-hand clerks? I hope not.

But of course my hon. friend may ask me, "Why do you presume that our Magistrates would be irregular, hasty or slovenly?" Surely as a practising lawyer he ought to know, with what frequency our Magistrates have been condemned by the Supreme Court for such errors. I shall not refer to Magistrates in general, but would confine my attention to the "model" Magistrates who are called upon to occupy the bench in the Police Courts of Colombo, Kandy and Galle, to whom it is intended to give the privilege of not recording the proceedings. Here is a case of theft which went up in appeal from the Police Court of Colombo in case No. 16789 decided by the Supreme Court on the 11th Aug., 1891. It shows that an unfortunate man had een wrongly convicted on no evidence at all, and that the

Colombo Magistrate paid no heed to the provisions of the Code. Sir Bruce Burnside said:

"These proceedings are too irregular to be affirmed. The plaint alleges an offence of theft against sec. 367 of the Code. I cannot find that the particulars of the offence were ever explained to the accused, or that they ever interrogated as required by law. The evidence in the case, if the matter to which the witnesses have testified in the bald manner in which it is recorded can be called evidence, suggests an offence against sec. 368 of the Code. No charge was framed, nor can I find that the accused were called on, after the usual warning, to make a statement. Then, at the close of the case, the Magistrate records: "1st and 2nd accused are convicted of the charge," and it does not appear whether of the offence stated in the plaint, or the offence disclosed by the evidence. Then, before there is any evidence of the fact, if it be a fact, the Magistrate records, "1st accused has been previously convicted of theft of a goose," and he proceeds to hear the complainant on oath on the record already made against the accused. The complainant swore that the accused was convicted of stealing geese. The prisoner's overseer swears that he was convicted of stealing a goose, but no certificate or warrant was produced such as is required by sec. 471 of the Criminal Procedure Code, and the evidence is utterly insufficient to prove the conviction. If appeals to this Court from Police Courts are to have any useful object, it must be to ensure that the procedure should be orderly and follow, at least to some material extent, that which the law had prescribed, and by which the guilt or innocence of accused parties is to be tested. I quash all the proceedings subsequent to the plaint."

Does my hon. friend the Attorney-General mean to say that, if the Bill we are now considering is passed, the Magistrate will be freed from the duty of adhering to these rules of procedure which the Code enjoins on him? Or, does he say that the "model" Magistrate, who was so careless as to neglect the provisions of the Code even with the

recollection that his own record would reveal to the Supreme Court his irregularities, would try cases consistently with the provisions of the Procedure Code, when he is given the chance of trying cases without a record?

Let me cite another case decided by another "model" Magistrate. This case bearing No. 13499 came up in appeal from the Kandy Police Court, and was reversed by Mr. Justice Lawrie, as follows:—

"This is a case of which the Magistrate, I think, is a little ashamed, and in which he almost invites a reversal by this Court. A Thamil man and his wife were found in possession of an old gunny bag, which bore marks which showed it had at one time belonged to the Kandy Post Office. The 1st accused said that he picked it up in a field. The Magistrate charged the accused with two offences: (1) theft, and (2) dishonestly receiving and retaining stolen property, knowing the same to have been stolen. There was absolutely no evidence, that either offence had been committed, because there was no proof that the bag in question had been stolen from its owner. No one from the Post Office was called to identify the bag, nor to say when it was last used, nor that it ever had belonged to, or was held or used by, the Post Office. The Magistrate found the 1st accused guilty both of theft and of dishonestly receiving and retaining. I need hardly say that this double verdict and conviction was wrong. After sentencing him to a month's rigorous imprisonment, the Magistrate, pricked I think by conscience, added "that the case was not a satisfactory one .... the accused no doubt knew that he had no business to possess the bag, which is however, all that can be said." If that be all that can be said, the man ought to have been acquitted."

Hon. members will perceive that here a poor Thamil man was convicted and sentenced to a month's rigorous imprisonment, though there was no evidence against him, and yet it is proposed to do away with the record of evidence,

by means of which alone the Supreme Court can ascertain whether there is sufficient evidence against the accused, and whether the conviction is justifiable or not.

Take another case, a case from the third "model" Court, to which we are asked to give the privilege of not recording the evidence, a case from the Police Court of Galle, bearing No. 7571, which came up in review before the Supreme Court on the 18th of August last. The conviction of the unfortunate man was set aside by Mr. Justice Withers, on the ground that the evidence recorded by the Magistrate was wholly insufficient to convict the accused.

Hon. members will thus see how frequently cases are taken in review before the Supreme Court from 'model" Courts, such as Colombo, Galle, and Kandy, on not only questions of law, but of sufficiency of evidence. Errors on the part of Magistrates in these respects would continue so long as they are men untrained in law. The art of recording relevant evidence, of estimating the sufficiency of evidence, and of considering questions of pure law must be learnt under the instruction of practical lawyers. If Magistrates are not to have this professional training, they will all be liable to err seriously. Some of them appreciate the difficulties of their position very keenly. The other day, for instance, a Magistrate who occupies the position of a District Judge complained to me how hard it was to bear with even mind the strictures of the Supreme Court, when that Court knew, as well as the Magistrates, what little legal training they have had, and how utterly impossible it was for them to do more than they have done, in view of the system of appointing judicial officers out of a service which had not the advantage of regularly studying the law and practising it.

The Hon. the Government Agent? W. P.—Name, name, please.

MR. RAMANATHAN said:—

"I cannot name him here. The knowledge of law and procedure which young Civil Servants are expected to gain

in such "model" courts, as the Police Courts of Colombo, Kandy and Galle, cannot be of a high order, and when such men are called upon to decide cases upon their own responsibility, they naturally are guided by such standards as they have been able to copy in these "model" Courts. In all cases, therefore, where suitors have the right to appeal, that is, in all cases of irregularity of procedure, questions of pure law and questions of sufficiency of evidence, a complete record is absolutely necessary. It is wholly inexpedient and unjust to fritter away their right to carry their cases before the Supreme Court, by cruelly emasculating the record. I can understand the logic of having no record at all, or only a few memoranda, in cases where no appeal is allowed by law, but I fail to see the justice or fairness of denying to suitors a full record, after vesting them with the right of appeal.

The short notes which the Magistrate is called upon by this Bill to make by way of record, in cases where a notice of appeal has been given, would be utterly useless for the purpose, especially where the appeal turns on a question of irregularity of procedure or sufficiency of evidence. But is it possible for the Magistrate, 24 hours after he has heard the case, to make a record of the evidence of each of the witnesses called? A Magistrate may have tried some 20 cases between 11 a. m. and 5 p. m. Supposing the case going in appeal was heard by him at 11 a.m, on 16th November, the party aggrieved by the order of the Magistrate would have 24 hours to make up his mind to appeal. His notice of appeal will thus be due at 11 a. m. on the 17th. On the evening of that day the Magistrate would sit to make the record, but by that time the 20 cases he had heard on the 16th and the 20 more he had heard on the 17th, would come whirling up in his brain in the greatest confusion, and how could he be expected under such circumstances to make a true record of what each witness said or did? The Magistrate is almost certain to go wrong, even if he relied on the help of his interpreter or chief clerk, and the aggrieved suitor

will be justified in contradicting the record by his affidavit or that of his counsel. And what would the Supreme Court do in such a case? Believe the Magistrate's statement made as it was under circumstances clearly liable to error, or believe the suitors affidavit, who, having his own case only to recollect, may be reasonably presumed to be more accurate?

My hon. friend, the Attorney-General, asked me whether cases were not disposed of in England and India without full records? Certainly, but then they have a really summary procedure there, which we have not; and where evidence is not recorded, appeal does not lie in cases of irregular procedure or insufficiency of evidence; and furthermore, when an Englishman tries an Englishman, or an Indian an Indian, he is not liable to go wrong in the weighing of the evidence or the awarding of the sentence, for he has the necessary experience of the country which a young Civil Servant in Ceylon, coming from abroad, does not possess. For these reasons, Sir, I am unable to agree to the second reading of this Bill.

If my hon. friend had come forward with a measure simplifying the cumbrous procedure of the Code, I would have gladly supported him, but he does nothing of the kind. He wants us to do away with records which I have shown are absolutely necessary for the exercise of the right of appeal in cases where irregularity of procedure and insufficiency of evidence are complained of, and where questions of pure law arise. Purely legal questions may be stated easily enough by Magistrates, but a full record of the actual proceedings of the day are indispensable to enable the Supreme Court to judge whether the evidence led is sufficient or not, and whether the provisions of the Code have been followed or not. I see no good in giving a trial to a measure so radically objectionable. I feel I have spoken warmly, but it was in the interests of justice and to safeguard the liberty of the subject. I beg the indulgence of the Council.

My convictions are strong on this subject, and I cannot but oppose the Bill as it stands.

[After further debate, the second reading of the Bill was carried by a majority of 13 to 4. All the nine official members voted for it, together with four unofficial members. The remaining four unofficials (Messrs. Kelly, Seneviratne, Dr. Anthonisz and Ramanathan) voted against it.

The Bill was referred to a Sub-committee consisting of six members (Messrs. C. P. Layard, G. S. Williams, A. R. Dawson, P. Ramanathan, A. de A. Seneviratne and T. B. Panabokke.)

When the Report of the Sub-committee was brought up on 7th December, and discussion took place on the amendments suggested in it, MR. RAMANATHAN said,—

For the information of those who are watching the progress of this Bill outside the Council, I feel bound to state that the amendments accepted by the Hon'ble the Attorney General have deprived the Bill of much of the want of safety which we complained of. Your Excellency will remember that we complained that the evidence was not recorded, that the right of appeal was practically taken away, and that there was no simplification of procedure. I am happy to say that Your Excellency has allowed us relief on all these points. The appeal is left quite intact, the evidence is to be recorded, and the procedure has been very much simplified. I therefore, Sir, have nothing but thanks to offer to Your Excellency for safeguarding the liberties of the people in the manner we wanted.

REPLY TO THE FAREWELL SPEECHES OF HIS COLLEAGUES IN COUNCIL ON HIS RETIREMENT FROM THE THAMIL SEAT, TO ASSUME DUTY AS SOLICITOR-GENERAL.

(14TH DECEMBER, 1892.)

Mr. Ramanathan received the following letter from His Excellency Sir Arthur Havelock, dated, Galle, 30th September, 1892:—

"Dear Mr. Ramanathan,—The Secretary of State, Lord Ripon, has arrangements in contemplation which will probably cause a vacancy in the office of Solicitor-General. His Lordship has desired me to ascertain from you whether it would be agreeable to you to accept the post of Solicitor-General.

I shall be at Galle until Monday next. Your reply should be addressed to that place.

Yours sincerely,

A. E. HAVELOCK.

On Mr. Ramanathan replying that it would be agreeable to him to accept the post offered, H. E. the Governor thanked him and expressed the hope that he would continue to occupy the Thamil Seat in Council till the close of the session in December, 1892. He agreed to do so. and sat through out October, and November, and until 14th December.

The Hon. the LIEUT.-GOVERNOR (SIR NOEL WALKER) rose in Council and said:—

The business set down on the Orders of the Day having now been disposed of, I propose, under Your Excellency's instruction, to move the lengthy adjournment which is customary at this season; but, Sir, before formally moving such a resolution, I would wish, with the permission of the Council and with the assured concurrence of individual members, to refer to the circumstance which the Thamil Representative has himself alluded to at this table, that we shall no longer have the assistance of his advice and co-operation in this Council.

Though not the oldest in service, the hon. member has sat at this Council table since the middle of 1879, and for

six years,—since 1886,—he has been the Senior Unofficial Member. During these fourteen years, which in the history of a colony is certainly a long period, the hon. member has taken a prominent and important part in the discussions and resolutions of Council, and has, I may say, carefully and fully watched over the interests of that portion of the community which he specially represents, and which constitutes one-fourth of the number of our population. Nor, Sir, have his useful services been restricted to that community. In matters affecting the profession to which he belongs, as well as in questions involving a knowledge of the history of the Council, his assistance has been most valuable.

In the Committee work, which, perhaps, does not receive so much public notice and is not so much a matter of public cognisance, but where the substantial work of the Legislature is really done, the hon. member has always been most helpful and most forbearing in the consideration of the views of members which might have opposed his own.

In the personal and informal communications which I have been permitted to have with the hon. member and other members of this Council, I have always received from him in a marked degree, as from other members of the Council, a uniform courtesy and consideration which outweighed and extinguished any petty differences inevitable to a deliberative assembly; and I am sure I only express the feeling of this Council when I say that we see the severance of the hon. member's connection with this Council with regret.

It is not a matter of surprise, Sir, that the hon. member should seek to relinquish his position at this Council and to pursue his career in the higher walks of the attractive profession to which he belongs. It is precisely the course which another hon. member of this Council followed some sixteen years ago. For myself I trust that the help and co-operation I have received from the hon. member as his colleague in the Legislative Council will be extended to me as a brother officer.

I now move that Council adjourn *sine die*.

The Hon. Mr. W. W. MITCHELL (European Mercantile Representative):—On behalf of the Unofficial Members I ask to be allowed to say a few words on this occasion. It has been stated by the Lieut-Governor that it is the last occasion on which the hon. member representing the Thamil community will appear in his seat here. He was appointed to a seat in this Council in the year 1879, and he has thus worked as an Unofficial Member for a period of fourteen years. During the whole of that time it has been my privilege to work off and on with him in the work of the Council.

The powers of Unofficial Members, as is well-known are but limited, and the position of the leader of the Unofficials is frequently one of some difficulty. He has indeed to occupy somewhat the position of the leader of a forlorn hope—not that the function of the unofficials is to attack the Government, far from it—but I conceive the functions are to criticise and advise, and if need be to offer resistance where measures are brought forward which appear to be likely to work in a manner which would be contrary to their desires.

A united unofficial phalanx has often produced, in my experience, results very beneficial indeed to the whole community in safeguarding the interests of the many where they seemed to be somewhat at stake, and when any such action has been taken, my hon. and learned friend has invariably shown tact and good sense and independence. He has always had the courage of his convictions and has not hesitated to give expression to his feelings in matters brought before the Council. He has at all times exhibited a keen interest in the welfare of the people, and by his untiring energy and ability has, in many instances and on many occasions, rendered able assistance to the Government. This was recognized about three years ago when Her Most Gracious Majesty the Queen conferred on him the Order of St. Michael and St. George.

He has been now selected to fill the high office of Solicitor-General in this Colony; and let us hope that his career will continue to be accompanied by the lustre which has spread

over his past unofficial life. In the name of his Unofficial Colleagues, it is fitting I should on this occasion testify to our appreciation of his abilities and services whilst bidding him farewell.

The Hon. Mr. T. B. PANABOKKE (Kandyan Representative):—Before concluding, I wish also to submit a few remarks with reference to the matter before the Council, not with the object of adding anything more to what has fallen from His Honour the Lieut.-Governor and the hon. member opposite, but merely to say what a great tower of strength he was to me, as there were many things that were common between the community he represents and the community that I have the honour to represent. Thus in matters of religion, I think, our interests are united, and in most of the manners and customs there are many things in common between the Thamil and the Kandyan communities, and therefore whenever a question of this sort, which was interesting to the Kandyan community, was coming up, and I had an opportunity of discussing it, my hon. friend was a tower of strength to me, and to the enemy I should say a battery constructed of adamant; and I therefore say it is a positive loss for me—even looking at it in a personal point of view—to lose his valuable services from this Council.

With these few remarks I would congratulate the hon. member upon the high position he has attained, and trust in the interests of the general community that Your Excellency's selection will fall upon a worthy individual to represent this large community.

The Hon. Mr. M. C. ABDUL RAHIMAN (Muhammadan Representative): To-day the Council loses the services and advice of the Senior Unofficial Member, and the blow falls hardest on the unofficial side of the house. Whatever steps Mr. Ramanathan had taken for the good of the country had met with success. It is an admitted fact that every statesman has enemies, but I am glad to say that in this instance they are very few.

He is a bright example for his countrymen to follow. I have known my hon. friend as a boy, and not only him, but all the members of the celebrated Coomara Swamy family. He received the honour of C. M. G.-ship during the administration of Sir Arthur Gordon, and I hope that he would yet have the letter K prefixed to the other three. All the native communities are equally agreed in congratulating the hon. member. May he be blessed with long life and strength!

MR. RAMANATHAN said:—I feel overwhelmed, and know not how to express my thanks for the very kind words which have fallen from the hon. speakers. Being too sensible of my own deficiencies, I cannot appropriate those remarks as my just deserts. I accept them only as indications of the generous spirit which pervades the hearts of my hon. friends, ever desirous of forgetting and forgiving the faults, and cherishing and proclaiming the virtues, of others. Their thoughtful magnanimity gives me the chance of taking formal leave of my colleagues, and it is only natural that on such an occasion I should cast back my looks for a moment upon the time when circumstances were driving me on to the platform of public service as a member of this grand, aye august body, invested with the sovereign powers of legislation, taxation, and administration.

I confess my attention was first drawn to the greatness of such a position by the pomp and ceremony associated with the opening day of the year's sessions. Returning from abroad some four and twenty years ago, my youthful imagination was fired by the more than usual splendour which Sir Hercules Robinson took delight in imparting to the proceedings of that day. I did not get near enough to hear the distinguished Governor clearly, but by gentle nudging I gradually came abreast of the first line of hearers who were standing, only to find that his address was drawing to a close and the time had arrived for the breaking up of the assembly. That was my first experience of the Legislative Council.

Similar to that experience is to-day's experience, for, having attained to the first rank among my Unofficial Colleagues as their leader,—the foremost position which one outside of the Government service can ever occupy,—I find myself ordered not to stay there but to move on to another scene of labour, even to the inner workshop of legislation and the confidential direction of those entrusted with the investigation and prosecution of crime. To me, this day, closing a great and eventful chapter in my life, is a day of judgment; and I am glad indeed—glad beyond measure—to have the assurance of my hon. colleagues, who have the best opportunities of judging, that I have done well. What more satisfactory reward can man expect from man? I only hope that at the end of the new career now opened to me, I shall be equally fortunate in obtaining the same verdict from those qualified to judge.

I thank Your Excellency for sanctioning the proceedings of this day. I thank the Lieut.-Governor and my other hon. friends who have spoken for the appreciative words which they have been pleased to say, on behalf of themselves and of the official and unofficial sides of this house; and I thank the other hon. members for listening with patience and kindly feeling to the remarks which have been made on this occasion. I thank them all as warmly as possible.

His Honour the Lieut.-Governor has expressed a hope that I will, as Solicitor-General, give him all help and co-operation with as free a hand as, he says, I have done in Council. I beg to assure him of it. It will be my duty and privilege to do all in my power to serve the Government, and it cannot be justly said that the interests of the Government are not identical with those of the public. Both interests, when rightly considered, are one.

I again repeat I have not words sufficiently expressive to convey to hon. members my sense of gratitude for their kindness and indulgence.

HIS EXCELLENCY THE GOVERNOR, in putting the motion for adjournment, said:—I wish to express my high appreciation of the services of the hon. member who is about to leave us, and my regret at his approaching retirement from the place in this Council which he has so long, so ably, and so usefully filled.

The Council then adjourned *sine die.*

THE SUPPRESSION OF TOUTS.

(OCTOBER 31, 1894.)

MR. RAMANATHAN (Acting Attorney-General) said:—I rise, Sir, to move the first reading of "An Ordinance to suppress intermeddlers with suitors in Courts of Justice." Certain legal practitioners of the Minor Courts of Colombo addressed a letter to the Attorney-General in November, 1892 on the subject of the evil practices of a class of persons commonly known as touts, hawkers and "outdoor proctors," and another class known as petition-drawers. The ranks of the touts are said to be composed of very needy and unprincipled men,—of ex-convicts, ex-constables, and peons dismissed from public offices,—and their work is to intercept suitors who come to the courts, and to introduce them to petition-drawers. It was urged that these two classes of persons fomented litigation, and were constantly engaged in magnifying trivial offences, in schooling witnesses, and concocting false charges, so that many an innocent person was convicted in our Courts and a large number of men who ought to have been punished were able to escape punishment. It was further alleged that some members of the legal profession encouraged these touts by feeing them upon the introduction of clients to themselves, and the signatories to the petition referred to requested the Attorney-General to be good enough to provide an enactment in mitigation of the evils complained of. On reference to the Police Magistrate of Colombo and the Commissioner of the Court of Requests, these officers informed the Attorney-General that the mischiefs in question had been very fairly stated by the practitioners of their Courts, and that legislation was imperatively needed to suppress what they called a "public scandal." The Attorney-General, therefore, drafted a Bill providing for the qualification and admission of proper

persons as petition-drawers, and for the suppression of touts. The Government submitted the draft Bill to the consideration of the Judges of the Supreme Court, and they reported that they could not bring themselves "to approve of a measure which gave a profesional status to persons commonly known as petition-drawers. So much miscarriage of justice is caused by defective pleadings in civil and criminal cases, that, as long as written pleadings are a part of our procedure, we consider no one should be recognised as competent to draft them except a professional lawyer. It may be said the plaints, answers, affidavits, and the like are, as a matter of fact, drafted by petition-drawers, and find their way into the proceedings in all our Courts from the highest to the lowest. It is so, no doubt; but it cannot be denied that this is a deplorable circumstance, and we do not see why, because an evil exists for which there may be no immediate remedy at hand, it should be consecrated by legislative enactment."

In view of these opinions, the Attorney-General thought it proper to amend his draft. He deleted certain of the old clauses and introduced an enactment in the new draft prohibiting petition-drawers from taking any part in the proceedings connected with the Courts of the Island. The Government thereupon issued a circular to District Judges, Police Magistrates and Commissioners of Courts of Requests, requesting them to be good enough to report upon the practicability of the measure. A large number of answers was returned, and it appeared certain that, as the Courts at present stood, it would be utterly impossible for the Judges of the minor Courts or their chief clerks to listen in full to the stories of the complainants or plaintiffs and to take down in writing their complaints, and that the suppression of pleading and petition-drawers would force the suitor either to incur the comparatively heavy expense of employing a proctor, or to hang about for days together in the hope of catching the eye of one of the Judges. If petition and pleading-drawers were ostracised from the Courts of the Island, it would be absolutely necessary to employ a large

number of Court Officers for the work which is now commonly done by petition and pleading drawers, and it was not at all certain that all petitions and pleading drawers were dishonourable men, and it did not seem just that, because there were a few, perhaps an appreciable number of men, engaged in the mischiefs I have mentioned, the living of a large class of respectable and useful persons should be interfered with in the drastic way that was proposed, especially as such a measure would involve a large cost needlessly to the Government. Such views as these have induced the Government to leave the petition drawers alone, and to deal with that part of the subject which refers to the mischief caused by touts and vagrants meddling with parties who seek redress in the Courts of Justice, and with those dishonourable members of the legal profession who think it consistent with their duty and the etiquette of the profession to reward the touts who swell their professional earnings. The Bill as it stands is a very simple one consisting of six clauses only. The second section provides that any person who—

(a) solicits or receives from any legal practitioner any gratification in consideration of procuring or having procured his employment in a legal business, or

(b) retains any gratification, or withholds without just cause a portion, out of remuneration paid to be delivered to any legal practitioner for such employment, or

(c) not being authorised under any law to practice in any court, solicits or receives from any person any gratification in consideration of procuring or having procured the employment of a legal practitioner in any legal business, or

(d) being a legal practitioner, tenders, gives, or consents to the retention of any gratification for procuring or having procured the employment in any legal business of himself or any other legal practitioners—

shall be guilty of an offence and shall on conviction be punished with a fine not exceeding five hundred rupees.

Any legal practitioner who shall be convicted of any offence under this Ordinance shall be liable to be removed

or suspended from office by the Judges of the Supreme Court, on the motion of the Attorney-General or Solicitor-General.

And in section 4 it is enacted that,—

Any person not being a Court Officer, or the peon or messenger of any judge or legal practitioner, or registered clerk of any legal practitioner, who habitually frequents without any ostensible object the Supreme Court or any District Court, Court of Requests, Police Court, or Municipal Magistrate's Court, or the precincts of any such court; or who without lawful excuse accosts or attempts by words or signs to meddle with any suitor or other person having business in such court, shall be guilty of an offence, and be liable on conviction to be punished with a fine not exceeding one hundred rupees.

I have no doubt, Sir, that this measure, so very interesting to the public of Ceylon, will meet with the consideration it deserves. I suggest the desirability of referring this Bill, after the second reading, to a Committee of the members, and then it will be competent for the members of the Committee to peruse the voluminous literature on the subject. I now move, Sir, the first reading of the Ordinance.

[The Hon'ble the Treasurer seconded, and the Bill having been read a first time, the Acting Attorney-General gave notice that he would take the second reading at the next meeting of Council.]

(NOVEMBER 7, 1894.)

MR. RAMANATHAN (ACTING ATTORNEY-GENERAL) said :—

I beg Sir, to move the second reading of "An Ordinance to suppress intermeddlers with suitors in courts of justice." Since the first-reading of the Bill, certain members of standing at the Bar have interviewed me upon this question. They think that the Bill is a very desirable one, but they complain about the effect of sub-section D of section 2, by virtue of which legal practitioners alleged to be tendering, giving or consenting to the retention of any gratification for procuring or having procured employment, in any legal business

for themselves or other legal practitioners, shall be held to be guilty of an offence and shall, on conviction, be punished by a fine not exceeding Rs. 500. They urge in very strong terms that the opportunities afforded by that section would be taken advantage of by designing men who wish to pay off grudges against legal practitioners, and to institute false proceedings; and supposing the Magistrate who is called upon to consider such a complaint is ill-disposed towards the practitioner, owing to his independence or owing to his caustic tongue, or to any other circumstance, it is contended that the Police Magistrate may unconsciously be biassed in the trial of such a practitioner, and that, therefore, all things considered, it would be desirable that the power of dealing with such legal practitioners, supposing they are dishonourable, should be left in the hands of the Supreme Court, on the footing of the law as it stands now. They, therefore, think that that particular section should be amended and that it should be made the duty of the Police Magistrate, upon receipt of such a complaint, to enquire into the matter and then to report the result of his investigation to the Attorney-General or to the Supreme Court, and leave the Supreme Court to deal with the individual in question.

I may say, Sir, that the Bar in Colombo is very sore upon this point, because they think that this would strike at the independence of the profession and that the profession should not be exposed to any such annoyance on the part of people who may be dissatisfied with the treatment they may have received from members of the Bar. I hold in my hands a detailed statement of their views. Considering that my Hon'ble friend who represents the Sinhalese is not in his place to-day—and I wish particularly that he should have the opportunity of expressing his opinion on the subject—and considering also that these objections have been raised by members of the profession, I think it would be desirable, after the second reading of the Bill is taken, to send the Bill into Committee and appoint

a Sub-committee to consider the statements made in this memorial. Their prayer is embodied in the 9th paragraph of the petition, setting forth that sub-section D of section 2 is objected to and should be omitted altogether, there being inserted in lieu thereof some provision making it obligatory on the Police Magistrate or Judge before whom the conduct of a legal practitioner comes, to report the matter to the Attorney-General, who may in a proper case move the Supreme Court with a view to the removal or suspension from office of the legal practitioner.

That is the proposal made by the Bar and the Sub-committee may reject it or accept it. Counsel will thereupon be able to determine what the best course would be, but I advise no course to you now except the appointment of a Sub-committee. With these observations, Sir, I beg to move the second reading of the Bill.

THE THESA-VALAMAI OF JAFFNA AND LAND SALES THEREUNDER.

(OCTOBER 31, 1894.)

MR. RAMANATHAN (Acting Attorney-General) said :—

I beg Sir, to move the first reading of "An Ordinance relating to the publication of intended sales of immovable property effected by the Thesa-valamai of the Northern Province of Ceylon." This Bill is the outcome of representations made by the Government Agent of the Northern Province that the practice of publishing notices of intended sales in Jaffna and the entire system of granting what are called schedules for the sale of land, should be abolished.

It has been reported that some Headmen have proved unfaithful to Government by unlawfully granting schedules in respect of Crown Lands to private parties; that dismissed headmen have had in their possession copies of extracts for the purpose of granting schedules whenever opportunities afforded themselves; and that incessant complaints have been made that schedules have been granted by the Headmen irregularly, and withheld without just cause. For these and other reasons which I need not go into to-day, the Government Agent thought that the time had arrived for dispensing with the duty of publishing intended sales of land in the Northern Province and for repealing the whole system of granting schedules. But in view of the circumstance that it was reported by the Government Agent himself that it was the desire of the people that the present system of publication by granting schedules under Ordinance No. 1 of 1852 should be continued as affording some safeguard against the execution of false deeds, the Government have felt reluctant to give effect to his proposal to repeal the system. Upon consideration of the question, it appeared that publication was an essential part of the

customs of the people of Jaffna, and that the mode of publication has been changed from time to time. For example, the Dutch Governor Bloom required that publication should be made in the parish church of the parish in which the land in question was situated, and in the early part of this century that mode of publication was dispensed with and another substituted, namely, that Udaiyars should be vested with the duty of making these publications through the intervention of the schedules I have referred to.

In these circumstances it appeared to the Government that, so long as it was possible to deal with the evils in question by altering once again the mode of publication, it was not right that the substantive part of the law, which the people of Jaffna seemed to be so fond of, should be repealed. The present Bill leaves intact the duty of publication on the part of intending vendors of lands, but it transfers the publication of the notice given by such land-holders from the shoulders of the Udaiyar to the Registrar of Lands, who, after all, is the proper party to deal with any transaction connected with land. The third section of the present Bill enacts that, upon receiving notice from the intending seller, the Registrar of Lands shall endorse thereon the true date of such receipt and shall file every such notice with the records of his office, and shall cause the Fiscal to make the necessary publication in the village where the land is situated. The fourth clause provides that, upon the expiration of 21 days after the return made by the Fiscal, it shall be the duty of the Registrar to issue to the vendor a certificate of publication under his hand, provided that no lawful cause be shown to the satisfaction of such Registrar why such certificate should not issue. The fifth clause provides that, if any cause be shown to the satisfaction of the Registrar against the issue of such certificate of publication, the Registrar shall forthwith make report thereof to the District Court, and the District Court is empowered to deal with the matter as it may seem meet. I may say that it is not intended by the Government to do

anything that may be adverse to the wishes of the people in this matter. All the Government is anxious about is that the mischiefs which undoubtedly exist in connection with the publication by schedules should be remedied in some satisfactory form, and if Hon'ble members on a fair consideration of the merits of this Bill, are able to provide a scheme better than the one which has found favour with the Government, I have no doubt that H. E. the Governor will be prepared to prefer such a scheme to the one propounded in this Bill. I beg, Sir, to move the first reading of the Ordinance.

THESA-VALAMAI AND LAND SALES

(NOVEMBER 28, 1894.)

MR. RAMANATHAN (Acting Attorney-General) said :—

Sir, in view of the petition which was presented by the Hon'ble the Thamil member a fortnight ago in regard to the Ordinance relating to the publication of intended sales of immovable property affected by the "Thesa-valamai" of the Northern Province, and in terms of his request that the second reading of the Bill should not be completed, the Council agreed to postponing the further consideration of the Bill at the second reading.

I would remind Hon'ble members that in introducing the Ordinance I stated that it was not intended by the Government to do anything adverse to the wishes of the people of the Northern Province, and that the Government were anxious that the mischiefs which were in existence in connection with the publication of these sales should be remedied in some form or another. The Government Agent recommended that the best form of dealing with these mischiefs would be to repeal the whole law relating to the schedule system, but unfortunately Government could not accept that proposal owing to the information it had then before it, that the people of the Northern Province were quite opposed to the abolition of the law in question. The Government Agent himself in his letter to the Colonial Secretary dated 24th August, 1893, said :—"There is also strong feeling that the schedule system, or something similar to the schedule system, should be retained as a safeguard against fraud in transaction, relating to the sale, transfer, otty, dowry, donation &c. of land, and I have always given it as my opinion that the schedule system, somewhat modified to meet existing circumstances, should be retained." Then in a letter written on 30th

May, 1894, he said in paragraph 17:—"I have endeavoured to ascertain the wishes of the people, and from all I have heard it is their desire that the present system of publication by granting schedules under Ordinance No. 1 of 1842 should be continued as affording some safeguard against the execution of false deeds." In view of such a plain statement of what appeared to be the wishes of the people, it was impossible for the Government to accept the recommendation of the Government Agent that the law should be repealed.

It now appears that the people have changed their minds and that they are now willing to abolish the system. Such abolition would undoubtedly put an end to the mischiefs which the Government were trying to contend against. In these circumstances, Your Excellency has agreed to withdraw the Bill now before the Council, and in lieu of it to submit another Bill in due course abolishing the system.

I hope the people of the Northern Province will not again change their mind. So far as the Government are concerned, it will be quite content if the mischiefs are put an end to, whether by abolition of the law or an amendment of the existing law.

HABITUAL CRIMINALS.

(November 7, 1894)

Mr. Ramanathan (Acting Attorney-General) said:—

I rise, Sir, to move the first reading of "An Ordinance relating to habitual criminals." The want of a systematic method of dealing with habitual criminals has been felt for many years past. A return prepared by the Inspector General of Prisons and published in his Administration report for last year shows that in 1893, 54 persons were sentenced to imprisonment for six months and under, even though there were several previous convictions against all of them. Against 29 there were 6 convictions or more, 11 had 10 convictions or more, and a few had even 21 convictions. The majority of the 54 had not been out of jail for more than a few weeks, and they certainly ought to have been tried by the District Courts or by the Supreme Court.

It is now acknowledged that the system of short severe sentences has failed to reform prisoners and to deter them and their associates from preying upon the public, and it has become necessary, therefore, to organize stronger and more effective measures to protect the public and to restrain the evil propensities of such persons. The first requisite is obviously to ascertain who are the habitual offenders, the second to register the marks considered necessary for their identification, the third to subject them to heavier punishment than would be meted out to first offenders, and the last that when they are out of jail their every movement in the country should be watched. The Bill before the Council aims at these objects upon lines sanctioned in England.

The Secretary of State for the Home Department in Octobor last year appointed a Committee of three gentlemen to inquire into the methods of registering and identifying criminals in England, and to report what system might with advantage be

adopted and subject to what rules. A very interesting report was presented to Parliament early this year in which it was pointed out that the existing methods of identification were extremely inadequate. The Committee therefore recommended the adoption of the system of identification invented and carried out by Mr. Bertillon, and which was enforced in France. It consists of certain measurements, mainly of the bony structure of the body, coupled with the description of the features and a photograph of the full and side face. The Committee thought that upon this system of Bertillon's should be engrafted the system which was strongly recommended by Mr. Francis Galton of registering impressions taken from the inner side of the finger tips.

In drafting this Bill I have not encumbered it with enactments relating to the Bertillon system, but the Governor is given power to make ample rules upon the subject. In the case of persons sentenced to imprisonment there is indeed no difficulty at present felt in taking the necessary measurements when once these persons are within the walls of the jail. Legislation is necessary only in the case of unconvicted persons who, being charged with an offence, are suspected of having been convicted of an offence in the schedule to the Bill. These offences are mostly in the nature of thefts or offences marked by violence and are called crimes in the Bill. It will be thus seen that the scope of the first part of the Bill, namely, clauses 1 to 9, is limited to a certain class of offenders: firstly, persons who are charged with a crime as defined or suspected to have been previously convicted of a crime; secondly, persons called habitual criminals, that is, persons convicted of a crime against whom a previous conviction of a crime has been proved; and persons who have been ordered by the Police Magistrate acting under sections 90, 91 and 92 of the Criminal Procedure Code, to find security for honest or peaceful behaviour.

The Police Magistrate of Colombo, with whom I had a conference yesterday, strongly urged upon me the desir-

ability of extending the scope of this Bill to the class of persons I have just described. I shall therefore consider it my duty in due course to move the addition of the necessary words so as to bring within the purview of this Ordinance the class of persons I have just specified Section 4 of the Bill empowers the Police Magistrate to remand for identification a person falling within the first category, and section 5 provides that upon identification he shall not be tried summarily by the Police Court, but shall be tried upon indictment by the District Court or by the Supreme Court.

Upon mature consideration—and I have no doubt the subject will be duly considered by Hon. members—it seems to me desirable to exclude from the operation of section 5 old offenders who have merely been fined, and old offenders who, though repeatedly punished with sentences of imprisonment, have yet not suffered in the aggregate a period of imprisonment of more than three months. I think that some words will have to be imported into the Bill to give effect to this suggestion also, in case it harmonizes with the opinions of hon. members. Sections 6 to 9 relate to the second category of persons I have referred to as habitual criminals. When such persons are convicted of a crime, the Court may, in addition to any punishment that it may inflict for the particular offence in question, direct that, after discharge from jail, such persons should be subjected to police supervision I need not go into the details of the supervision which the police are called upon to exercise, because they are all fully stated, as far as can be stated, in this enactment, in the Bill itself, and the Governor, I may say, is empowered to make rules upon the subject for such a purpose. The remaining part of the Ordinance from clause 10 downwards relates to convicted prisoners deemed worthy of being enlarged on licence even before the sentence passed upon them has expired.

As Your Excellency pointed out in your opening address, it was considered in 1886 whether the powers vested in the Governor by clause 394 of the Criminal Procedure

Code to remit or suspend upon conditions, the sentences of a Court, could be utilized for the purpose of trying in Ceylon the English ticket-of-leave system, which is based on the belief that good conduct in jail deserves to be recompensed by a modified freedom, and that such freedom properly safe-guarded would lead the prisoner in question to live conformably to law, and to take to some useful occupation in life. Sections 10 to 15 deal with the principles upon which licences to convicts who have shown exemplary conduct in jail may be issued by His Excellency the Governor. These clauses also refer to the conditions convicted before an offence—not convicted of all and every offence found in our Statutes Book, but a certain class of offences which are named upon which licenses when once granted, may be revoked or forfeited.

These, Sir, are the grounds and reasons upon which the Bill now before the Council rests, and I have much pleasure in moving the first reading of the Bill.

VILLAGE COMMUNITIES ORDINANCE.

(NOVEMBER 7, 1894.)

MR. RAMANATHAN (Acting Attorney-General) said:—

I rise, Sir, to move the second reading of "An Ordinance to amend the Village Communities Ordinance, 1889." At the first reading I explained somewhat the principles of this Bill, and my Hon. friend who represents the Low-country Sinhalese, who is unfortunately not present to-day, told me at the close of that day's sitting that he desired to oppose the second reading of the Bill. I don't know upon what grounds he was going to oppose it—because he did not mention them to me—but I would ask Hon. members to remember that according to this Ordinance the duty is cast upon Village Communities to perform many an act which would involve expenditure of both labour and money. Confining myself to sub-sections which are dealt with by the amending Ordinance before us to-day, I would point out that the first sub-section refers to constructing and maintaining village roads, bridges, and ambalams, wells, market places, water courses and so on. The second sub-section refers to the building and repairing of school rooms; the 13th sub-section to the building and repairing of Court-houses for the Village Tribunals; the 16th sub-section to village roads; and the 17th sub-section to the repairing and maintaining of village schools.

Now, it must be quite plain to Hon. members that all those operations are of vital importance to the concerns of the Village Communities, and I ask them how it is possible to make rules for regulating these affairs without also giving them the power to levy labour and money contributions in respect of these matters. I quoted a paragragh from Governor Robinson's address, which was pointedly brought to the notice of Hon. members by His Excellency the

Governor in his opening address, showing in clear terms that it was originally intended by Government that such powers of levy should be granted to Village Communities, and I have also shown that on principle this power should be given. It therefore appears to me that it would be idle to contend that Village Communities should not be entrusted with the powers which are so necessary for the maintenance of the operations in question. Up to this time it has been possible for Village Communities to levy labour for several days together in respect of these transactions, but after the doubt that was raised upon this point, the present Government deems it fit to reduce the period of labour from several undefined and uncertain number of days to a period of only fifteen days in all. It will be remembered that, under the 16th sub-section of the Ordinance of 1889, the inhabitants were liable to work for ten full days, in any year, for constructing and maintaining village roads. And what does the present Ordinance do? It provides that, including the ten days I have referred to, the labour should not be called upon to work more than fifteen days. So that, if there be any contention upon this point, the bone of contention can relate only to the five days in excess of the expressed terms of the Ordinance of 1889. I submit with great confidence that those five days are nothing much for a villager to give in the course of a year, considering the important work he has to do in regard to the community of which he is a unit. I, therefore, earnestly trust, that before Hon members seek to attack the principle of such a plain character, they will remember what they are attacking. They would attack, I would say, the principle that only five days are asked for over and above the ten which are expressly provided in the Ordinance of 1889. It might be argued that under the Road Ordinance, the general community are bound to do six days' labour in a year, and that the villager should not be asked to give 15 days' labour in excess of those 6 days' labour. The objection would be a very good one if it could be shown that the villager is fully occupied throughout the

day, or is as much occupied throughout the day as a man about the town. We know, as a matter of fact, that he is very idle. The villager is very idle in his village for the most part of the day, and I do not see why, having so much time on his hands, he should not be called upon to give 15 days of his time in the course of a whole year for the benefit of his kith and kin in the village. We all prize public service. It is considered, both in England and in every civilized country, that public service is one of the most holy things for a man to be engaged upon. Why should not the villager be made to take his first step in the reign of public service and contribute for the benefit of the community 15 days' labour out of the abundance of idle time that hangs so heavily upon his hands? I submit, therefore, that both upon principle and authority this enactment is sound, and I am quite sure that, if properly considered, the inhabitants of Ceylon ought to be thankful to the present Government for reducing their burden to so small an extent as that marked by this Bill. I move the second reading of the Ordinance.

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